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# Monitoring Media Pluralism in Europe: Application of the Media Pluralism Monitor 2016 in the European Union, Montenegro and Turkey

2017 Policy Report

Centre for Media Pluralism and Media Freedom

**CMPF**  
Centre for Media Pluralism and Media Freedom



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# EXECUTIVE SUMMARY

This report presents the results and the methodology of the 2016 implementation of the Media Pluralism Monitor (MPM) in EU-28 countries and in Montenegro and Turkey (MPM2016).

The MPM is a tool that has been developed by the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute to assess the risks to media pluralism in a given country. The MPM project is co-funded by the European Union. Prior to the 2016 implementation, the tool was tested under two pilot-projects that were co-funded by the European Union in 2014 and 2015 (CMPF 2015; CMPF 2016). These two pilot-test implementations built on the prototype of the MPM that was designed in the 2009 Independent Study on Indicators for Media Pluralism in the Member States – Towards a Risk-Based Approach carried out by KU Leuven, JIBS, CEU, Ernst&Young, and a team of national experts (KU Leuven, 2009).

The Monitor assesses the risks to media pluralism based on a set of twenty indicators covering a broad notion of media pluralism that encompasses political, cultural, geographical, structural and content related dimensions<sup>1</sup>. All types of media are covered: public service, commercial, community media, new media and online platforms. The risks for media pluralism are measured in four different areas: Basic Protection, Market Plurality, Political Independence and Social Inclusiveness. The indicators cover legal, economic and socio-political questions. National experts, composing the MPM network of local teams, provided the data to assess the levels of risk at country level, drafted the country reports, while the CMPF supervised and guaranteed quality and consistency of the data collection and assessed the levels of risk. CMPF also directly implemented the MPM in Italy and Malta.

The assessment of the risk to media pluralism in a given country by the MPM does not necessarily represent an effective lack of pluralism in a given context. The results, the data collected and the analysis provide useful information for policymakers, researchers, and civil society so as to better understand the threats to media pluralism in different media contexts and to plan relevant media policy or advocacy measures, where needed.

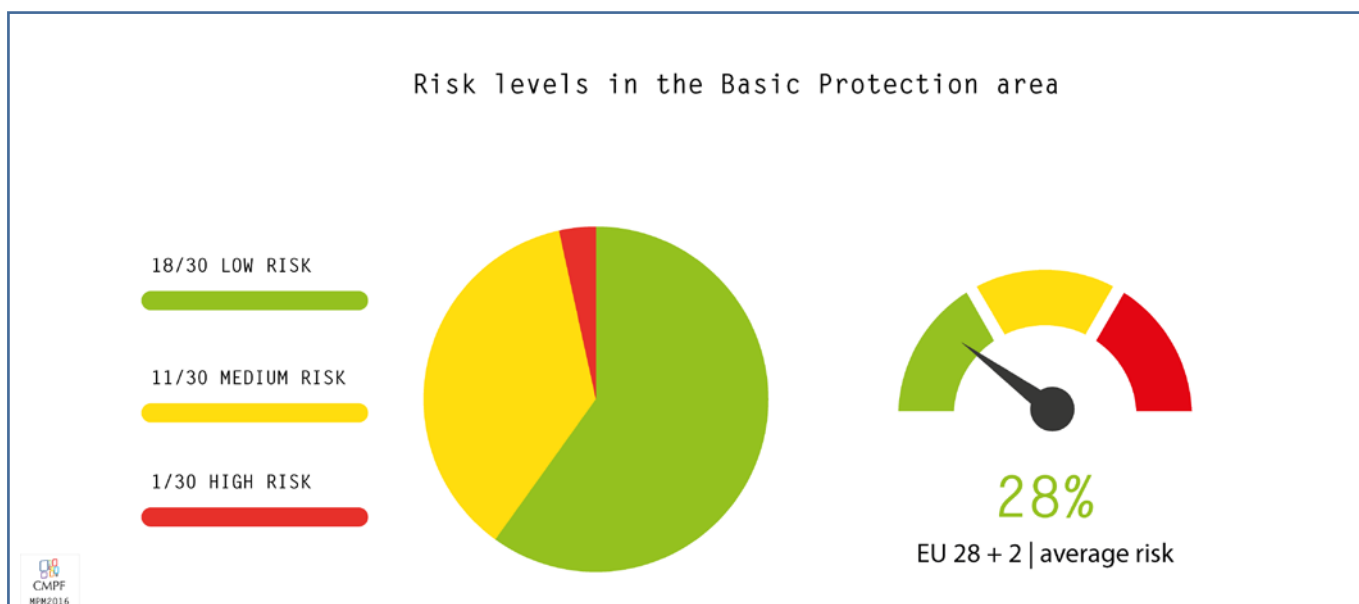
The results of the MPM implementation are presented according to three categories of risk: low, medium or high. The subsequent paragraphs provide a short description and the main results per area.

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1 Commission staff working document - Media pluralism in the Member States of the European Union /\* SEC/2007/0032 \*/ , <https://publications.europa.eu/en/publication-detail/-/publication/4c7c6eb5-fb51-40f4-9125-33ef824e685b/language-en>

## SUMMARY RESULTS

Figure 1- Basic Protection area



The area of **Basic Protection** includes the assessment of the fundamental elements of any plural and democratic society, namely the existence and effectiveness of the implementation of regulatory safeguards for the freedom of expression and the right to information; the status of journalists in each country; the independence and effectiveness of the media authority; the universal reach of traditional media and access to the Internet.

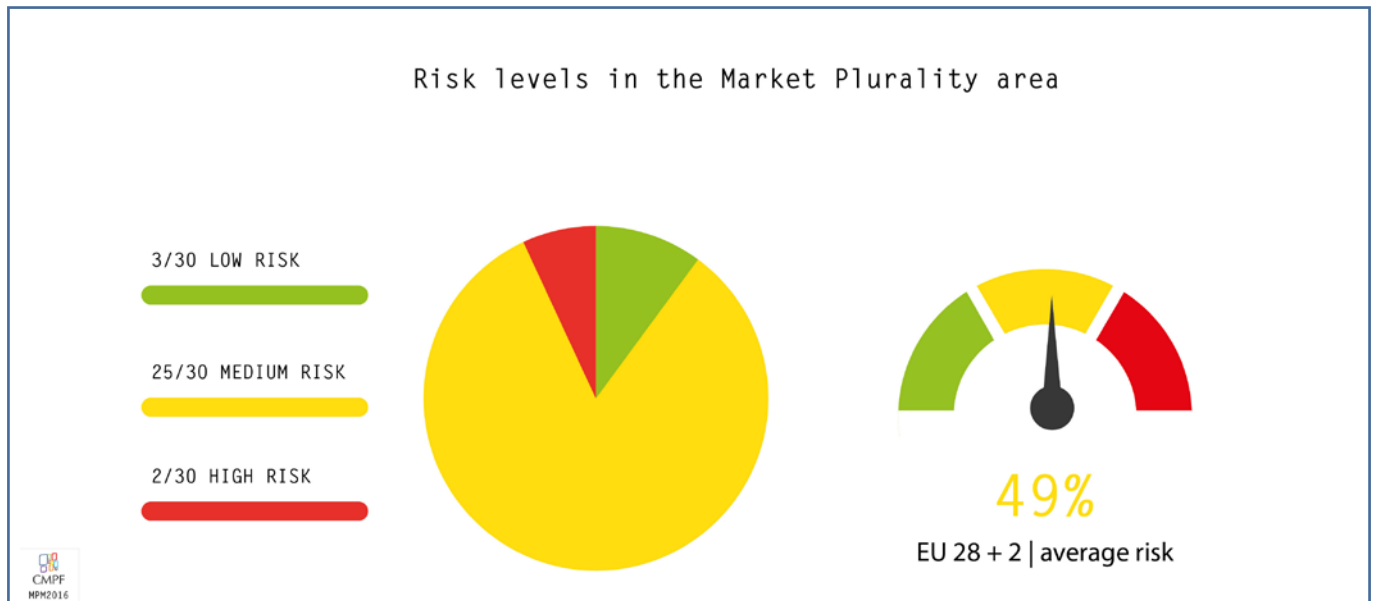
The results for the Basic Protection area show that 18 countries score a low risk (Denmark, Germany, Sweden, Netherlands, Belgium, Portugal, the United Kingdom, Finland, the Czech Republic, Lithuania, Estonia, France, Slovakia, Malta, Cyprus, Ireland, Italy, Slovenia), 11 countries score a medium risk (Romania, Greece, Croatia, Spain, Bulgaria, Luxembourg, Montenegro, Austria, Poland, Latvia, Hungary) and one country (Turkey) scores a high risk.

Most of the countries considered by the MPM2016 fulfil the basic protection conditions for a plural and democratic media environment. Nonetheless, the analysis confirms that most of the countries under scrutiny present some shortcomings in the area of Basic Protection. Being Basic Protection the area that comprises the main foundations for freedom of expression and media pluralism any problems in this area affect the analysis and the levels of media freedom and media pluralism in other risk areas in different country contexts.

The data collection shows surprising deficits in core elements of democratic media systems, beginning from the very fundamental Protection of freedom of expression. Within the EU member states, 25 countries score low risk, while Hungary, Latvia, Poland, and Romania score a medium risk in the assessment of the key indicator on Protection of freedom of expression, reporting poor implementation of international standards in that regard. The indicator on the Journalistic profession, standards and protection confirms the trend from MPM2015 (CMPE, 2016), scoring an average low risk across the countries that is very close to the medium risk threshold. The trends are slightly more positive as regards the Protection of right to information. Media authorities, in general, are assessed positively, even if their appointment procedures and composition are commonly influenced by politics. The highest risk in the area comes from the indicator on Universal reach of traditional media and access to the Internet: the level of risk is due to the high standards required in these indicators.

Turkey is the only country that scores overall a high risk for the area of Basic Protection, being the country that, in comparison with the other countries, shows the highest risks in three out of five indicators of the area, namely Protection of freedom of expression, Journalistic profession, standards and protection and Independence and effectiveness of the media authority.

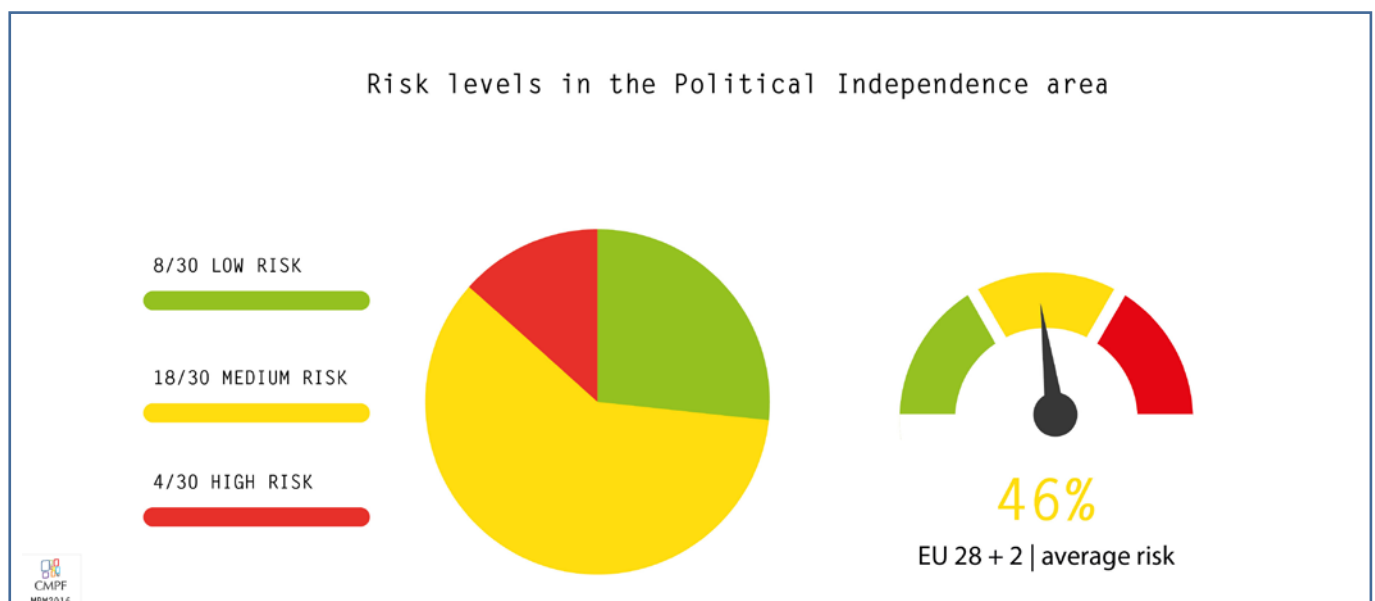
Figure 2 - Market Plurality area



The **Market Plurality** area assesses the risks to media pluralism that arise from the level of transparency and concentration of media ownership, commercial and owner influence over editorial content, and from the economic conditions in which the media operate.

Based on the data collection conducted by the country teams, the vast majority of the countries under consideration score a medium risk (25). Two countries, namely Bulgaria and Luxembourg, score a high risk and only three countries, Germany, France and Portugal, score a low risk. In general, Market Plurality indicators show the highest levels of risks amongst all the four areas of the Monitor. Media ownership concentration (horizontal) is the only indicator of the MPM2016 that performs overall in a high risk band, with no country scoring a low risk in this regard. Commercial and owner influence over editorial content is also a matter of concern for many EU countries and for the two EU candidates under consideration. It is one of the highest percentage scoring indicator in the entire Monitor (58%) remaining however still in a medium risk band.

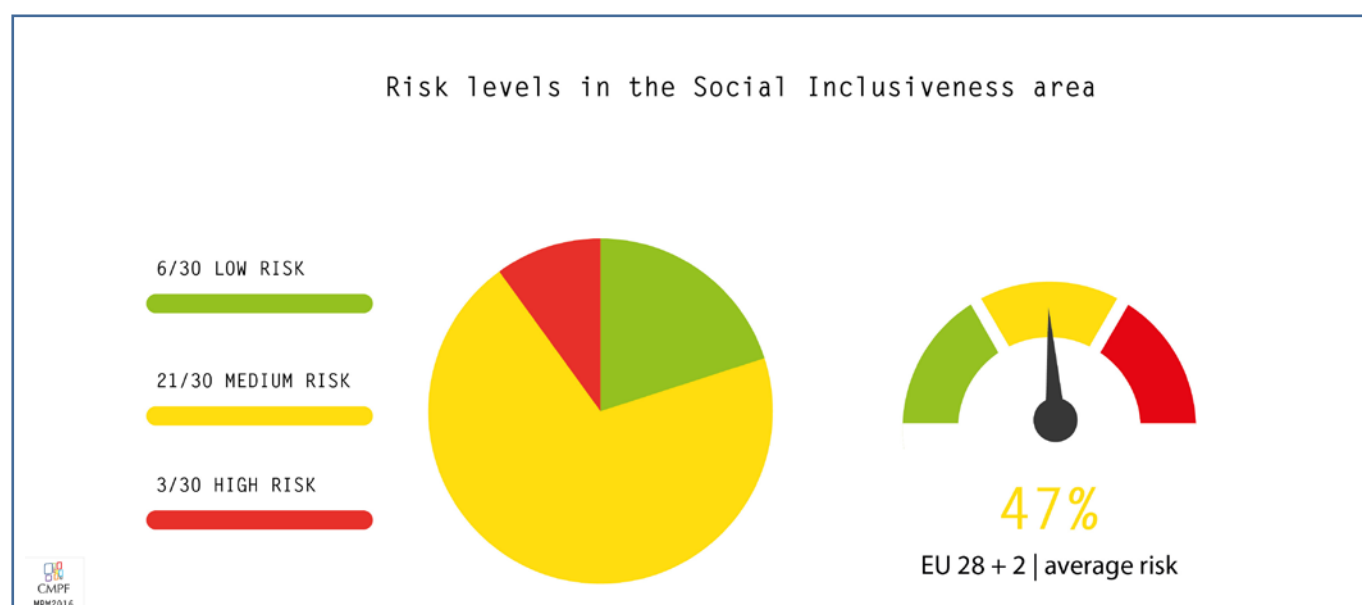
Figure 3 - Political Independence area



The **Political Independence** area is assessed using indicators that evaluate the extent of the politicisation of the media system, media organizations, newsrooms, media reporting and the public service media. The comparative analysis of the risks reveals that a vast majority of the countries examined scored a medium risk (18), eight are at low risk (Sweden, France, Germany, Portugal, Belgium, Denmark, the Netherlands, and the United Kingdom), and four are at high risk when it comes to political influences over different dimensions of their media operations - two of which are EU member states (Hungary and Slovenia), and two candidate countries (Montenegro and Turkey).

Hungary is the only EU country that scores high risks for all five indicators in this area, with most concerns being related to the allocation of state subsidies and advertising, and independence of PSM governance and funding. For the two candidate countries, Montenegro and Turkey, the political capture of the media represents a strong burden on their way to ensure more independence and media freedom as an essential precondition of a healthy democracy. Particularly at risk are media and journalists in Turkey as regards editorial autonomy vis à vis political power. The government there already had a record of censoring, embittered after the attempted military coup in July 2016 when the state of emergency was declared. In general, for most countries, the lack of editorial autonomy and political control over media outlets are of most concern. These two indicators result in one of the highest risk percentages (57%) of the entire 2016 Monitor.

Figure 4 - Social Inclusiveness area



The **Social Inclusiveness** area examines access to media by various social and cultural groups, such as minorities, local/regional communities, people with disabilities and women. Access of different groups to media is a key aspect of a participatory media system and a core element of media pluralism. In addition, the Monitor considers media literacy to be a precondition for using media effectively, and examines media literacy contexts across countries, as well as the digital skills of the overall population.

In the area of Social Inclusiveness, two thirds of the countries (21) are in the medium risk band. Three countries score a high risk (Greece, Latvia and Turkey) and six countries a low risk (Belgium, Denmark, France, Netherlands, Sweden and the United Kingdom). The indicator on access to media for people with disabilities shows the lowest risk (37%) but it still ranks as a medium risk since support services for people with hearing and visual impairments are either non-existent or limited in the majority of countries. The highest risk scores are related to access to media for minorities and for women (54% respectively). None of the countries scored low risk on the representation of women as subjects and sources in news (both on- and offline), which indicates that women might be heavily underrepresented in the media across Europe.

The results of the MPM2016 implementation confirm again, as a general trend and in line with MPM2015 and MPM2014, that no EU country is immune from risks that are related to media freedom and pluralism.



# INTRODUCTION

Freedom of expression and freedom and pluralism of the media are fundamental rights and principles that are enshrined in the Charter of Fundamental Rights of the European Union.<sup>2</sup> The protection and promotion of pluralism and the freedom of the media are essential to guarantee a democratic environment for all EU citizens, and for the legitimacy of the Union as a whole. Free media and the plurality of voices constitute the foundations of any healthy democratic society: they are indispensable conditions with which to guarantee that individuals have access to a variety of information and may form their opinions by taking into account different perspectives and views. The growing role of the Internet and in particular of the social media in disseminating content of public interest allows for broader participation in the communication and information exchange.

In Europe, democratic discourse is challenged by populism and radicalisation of public communication that has been fuelled by the migrant crisis and economic hardship. In the June 2016 referendum, the United Kingdom voted to leave the European Union. This has prompted a public discussion on the role of media in fostering a well-informed debate and a decision making process through the provision of full, high-quality and impartial information for the benefit of citizens and the democratic system. The international scenario offers even darker perspectives, as propaganda and misinformation are heavily impacting upon the public debate and political decisions.

Whereas new technologies have dramatically contributed to the easy and effective spreading of content and information to wider audiences, the way information is distributed online by internet content intermediaries may accentuate polarisation (the ‘filter bubble’) in which a person is exposed to news, sources and ideas that adhere to his/her expressed preferences. This can significantly undermine the potential to encounter and debate opposing viewpoints, and, as such, may pose a risk to media pluralism and to democracy itself.

The European Commission’s Annual Colloquium on Fundamental Rights, held in November 2016, set a focus on “Media Pluralism and Democracy”. One of the key actions, drawn from the discussions that involved policy makers, regulators, media actors, journalists, academics and civil society organisations, is to promote a healthy political debate and engagement through media literacy, media ethics and media pluralism. The colloquium was informed by the results of a special Eurobarometer survey on media pluralism and democracy (Special Eurobarometer 452, 2016). Albeit that there are variations among the countries, overall, only a minority of respondents to the survey state that their national media provide information that is free from political or commercial pressure; the vast majority is not aware of the body that oversees audiovisual media in their country; radio is perceived as being the most reliable media (for 66% of respondents); and three quarters of social media users have experienced abuse, hate speech or threats, which then makes them hesitant to further engage in online debates.

The Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute is regularly monitoring the state of play of media freedom and media pluralism since 2013, when the European Union assigned to the Centre itself a grant to update, simplify and implement the Media Pluralism Monitor (MPM), initially developed in 2009 by an international consortium, at the request of the European Commission (KU Leuven, 2009). The CMPF updated the indicators proposed in 2009 in the light of the growing importance of the Internet. Furthermore, the scope and definition of media pluralism was revised, and the indicators were improved in terms of feasibility by refining the methodology and the data collection approach. The number of indicators was radically reduced. In 2014,

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2 Please note that the Charter applies to Member States only when they are implementing EU law.



the CMPF conducted a first pilot implementation of the Monitor in a sample of nine EU countries<sup>3</sup>. In 2015, the Monitor was further refined and the second pilot was carried out in 19 countries<sup>4</sup>.

In 2016 the Media Pluralism Monitor was implemented for the first time in all 28 EU member states and in two candidate countries, namely Montenegro and Turkey. The Monitor is now a comprehensive and balanced tool for assessing risks for media pluralism, composed of 200 variables organized within 20 main indicators and, finally, structured in four thematic areas, encompassing pertinent legal, economic, political and socio-cultural considerations, being so a “holistic” tool. In order to be more reliable and have high level of validity, the MPM relies on both quantitative and qualitative indicators.

The research design of the Monitor is based on a sophisticated questionnaire that was completed following a common and rigorous methodology by national country teams that were made up of experts in media pluralism and media freedom. A second group of experts, including national stakeholders and experts in the area, conducted a review of the answers that required a qualitative type of measurement and/or that lacked measurable and easily verifiable data.

In order to ensure the comparability of the answers and the consistency of their quality, the CMPF centrally monitored the data collection and raised questions in cases where inconsistent or incomplete answers were provided by the country teams. This proved to be essential in a cross-national study of this size and type.

As mentioned above, the MPM 2016 assessed the risks to media pluralism by considering four areas of risk:

- Basic Protection
- Market Plurality
- Political Independence
- Social Inclusiveness

and by taking into account 20 indicators.

Figure 5. List of indicators per area

BASIC PROTECTION	MARKET PLURALITY	POLITICAL INDEPENDENCE	SOCIAL INCLUSIVENESS
Protection of freedom of expression	Transparency of media ownership	Political control over media outlets	Access to media for minorities
Protection of right to information	Media ownership concentration (horizontal)	Editorial autonomy	Access to media for local/regional communities and for community media
Journalistic profession, standards and protection	Cross-media concentration of ownership and competition enforcement	Media and democratic electoral process	Access to media for people with disabilities
Independence and effectiveness of the media authority	Commercial & owner influence over editorial content	State regulation of resources and support to media sector	Access to media for women
Universal reach of traditional media and access to the Internet	Media viability	Independence of PSM governance and funding	Media literacy

The implementation of the MPM in the European Union and Montenegro and Turkey confirms the provisional trends of the pilot implementations in 2014 and 2015, showing that no country (EU member states and two candidate countries), is free from risks to media pluralism.

This policy report analyses the results of the 2016 implementation from a comparative perspective (see part 1), and it describes in detail the methodology employed (see part 2). The risks to media pluralism are examined, taking into account the four areas that capture the main dimensions of risk for media pluralism and media freedom. Each area consists of five indicators which are the result of an articulated construction and combination of sub-indicators and elementary variables.

3 Belgium, Bulgaria, Denmark, Estonia, France, Greece, Hungary, Italy and the UK

4 Austria, Croatia, Cyprus, the Czech Republic, Finland, Germany, Ireland, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden

# 1. RESULTS

## 1.1 ANALYSIS OF BASIC PROTECTION

The indicators that fall under the area of Basic Protection are designed to describe and measure the elements that are essential conditions for a pluralistic and democratic society. The first and fundamental component of the area is the level of Protection of freedom of expression, a very basic prerequisite for a functioning democracy. Freedom of expression is necessary for individual dignity and fulfilment and “constitutes [an] essential foundation for democracy, rule of law, peace, stability, sustainable inclusive development and participation in public affairs”<sup>5</sup>.

Along with freedom of expression, and stemming from it, the right to access information is another fundamental ingredient of democracy. It is of the utmost importance that effective transparency of public administrations is guaranteed and information in the public interest is circulated to feed the political debate and, in the end, democracy. Whether it is important that freedom of expression and freedom of information are effectively safeguarded, a free and plural media environment must rely on free journalism. This means that access to the journalistic profession should be open, that journalists should be able to rely on decent working conditions and should be able to work without constraints. An “enabling environment”<sup>6</sup> allowing journalists and other media actors to freely express themselves without fear, even when their opinions are contrary to those held by the authorities or by a significant section of public opinion, should be guaranteed by member states. The MPM therefore considers safety of journalists, both physical and digital, as a parameter to assess whether the basic conditions for a plural media environment are fulfilled.

Impartiality of the institutions that oversee the media market is another basic element for a plural media environment. Therefore, independence of media authorities is of paramount importance when implementing media specific regulation and media policy, as the shape of the market has a direct impact on market plurality.

Finally, the Basic Protection area includes an assessment of universal reach of traditional media and access to the Internet. These are conditions that contribute to assessing whether citizens have, or at least potentially have, access to a wide variety of content.

The indicators and sub-indicators under Basic Protection are assessed by combining both legal and socio-economic variables. In particular, the indicators aim to capture risks in relation to specific legal standards, by measuring both the existence of legislation in a given area and its implementation. In addition to this, the Monitor assesses what the effective socio-political conditions that practically affect the specific area of investigation are.

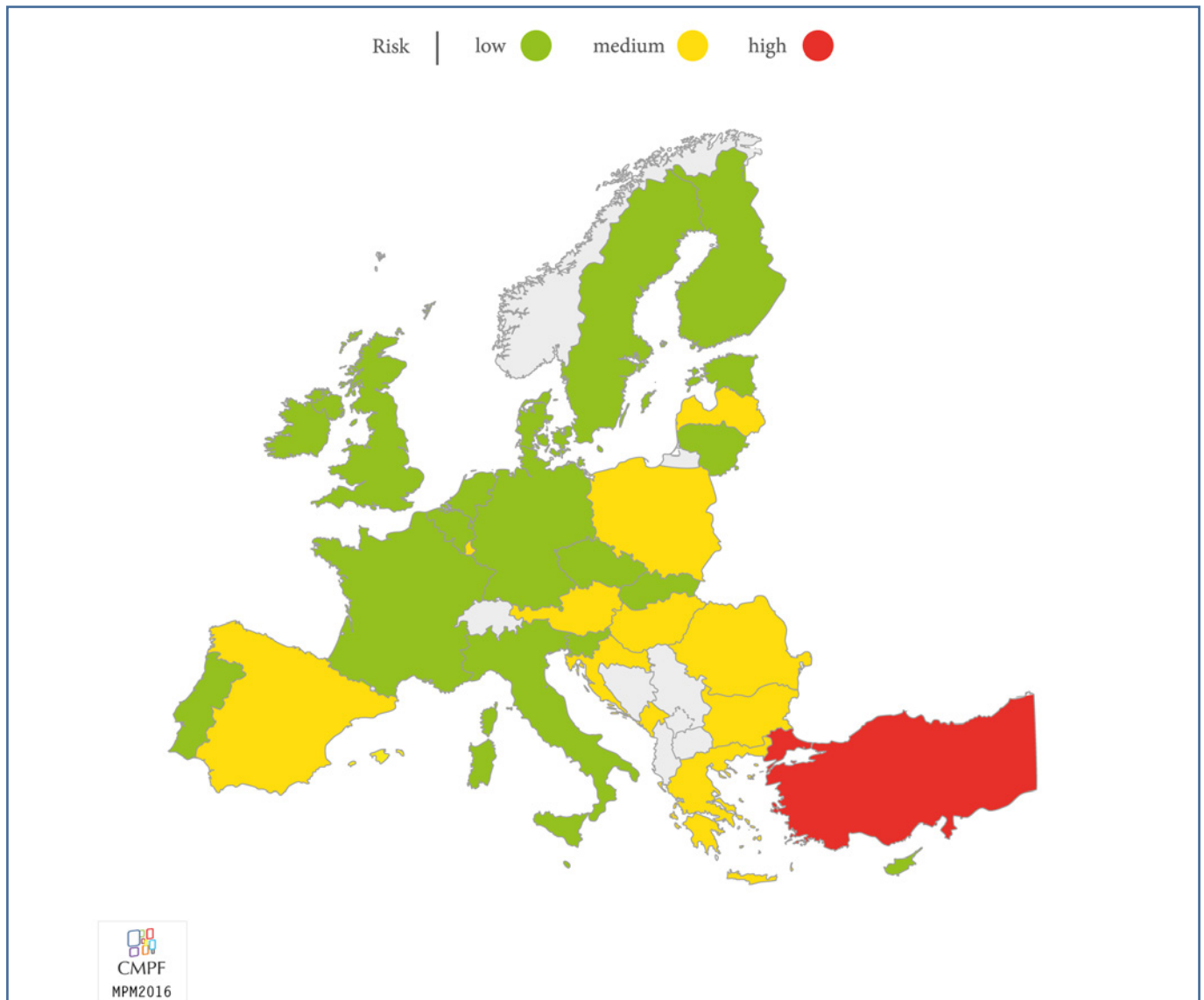
Summarising, the five indicators under Basic Protection are:

- Protection of freedom of expression
- Protection of right to information
- Journalistic profession, standards and protection
- Independence and effectiveness of the media authority
- Universal reach of traditional media and access to the Internet

5 Council EU, EU Human Rights Guidelines on Freedom of Expression Online and Offline, 12 May 2014, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/142549.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/142549.pdf).

6 ECtHR, case Dink v. Turkey, 2668/07, 6102/08, 30079/08, 7072/09 et 7124/09, Judgment on September 14, 2010. See also Council of Europe, Committee of Ministers, Recommendation CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors, [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016806415d9](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415d9)

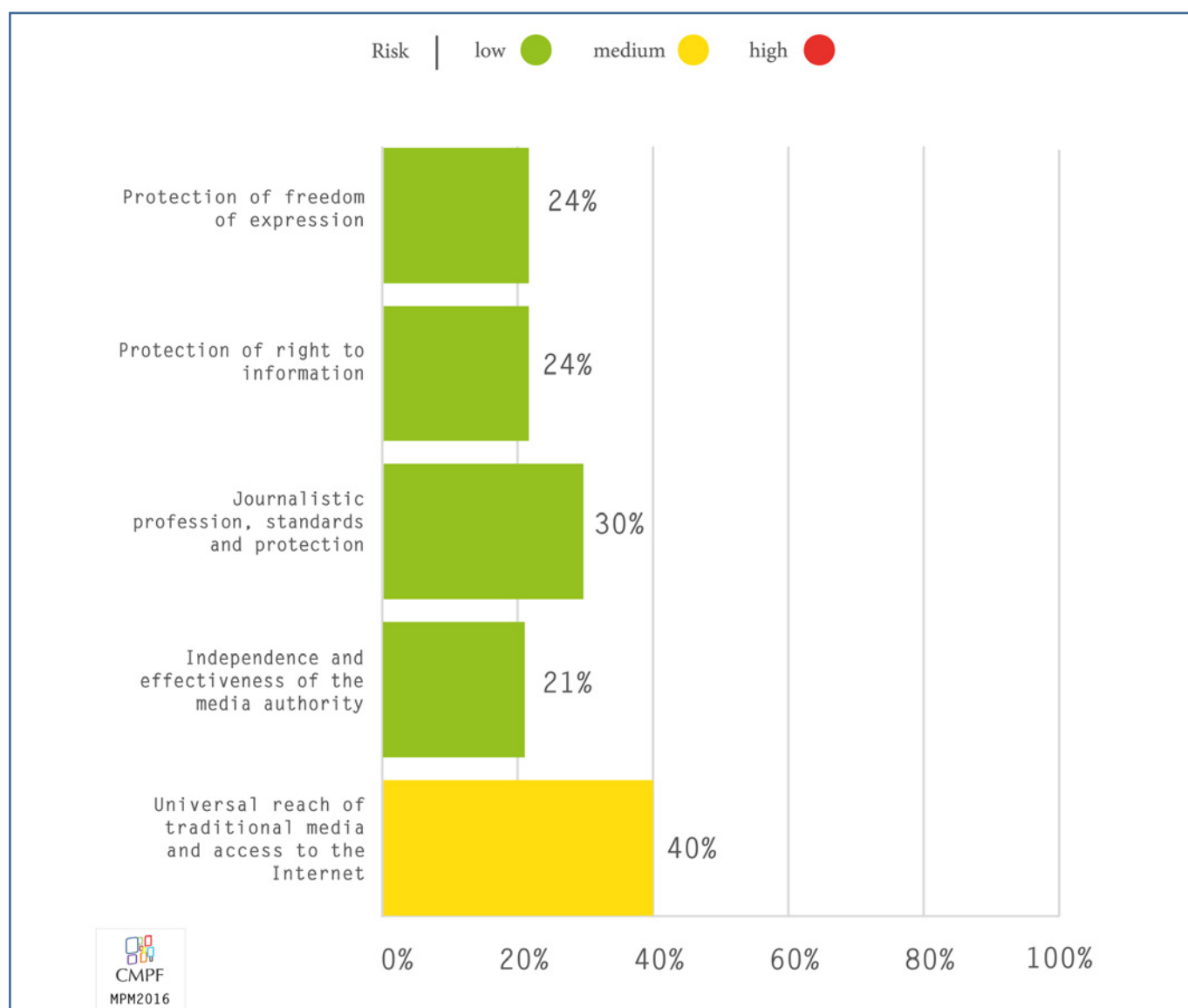
Figure 1.1.1. Basic Protection area - Map of risks per country



The results for the Basic Protection area show that eighteen countries score a low risk (Denmark, Germany, Sweden, Netherlands, Belgium, Portugal, the United Kingdom, Finland, the Czech Republic, Lithuania, Estonia, France, Slovakia, Malta, Cyprus, Ireland, Italy, Slovenia), eleven countries score a medium risk (Romania, Greece, Croatia, Spain, Bulgaria, Luxembourg, Montenegro, Austria, Poland, Latvia, Hungary) and one country (Turkey) scores a high risk.

Most of the countries considered by the MPM2016 fulfil the basic conditions for a plural and democratic media environment. Nonetheless, it must be noted that some countries, in comparison with previous rounds of the (pilot) implementation of the Media Pluralism Monitor (CMPF, 2016) score higher risks in this very fundamental area. In particular, Croatia, Latvia, Luxembourg, Poland and Spain, at low risk in 2015, receive a medium score in 2016. While this is partially due to the different combination of indicators from the previous MPMs, it must be noted that, in some countries, the data collection clearly confirms or shows a trend towards a deterioration in the core elements of democratic media systems, starting from the very fundamental Protection of freedom of expression and the respect of the rule of law. For instance, within the EU countries, Hungary, Latvia, Poland, and Romania score a medium risk in the indicator on Protection of freedom of expression, indicating poor implementation of international standards in that regard, in particular when it comes to proportionate balance between protection of freedom of expression and dignity and, in some cases, respect of rule of law as regards freedom of expression online. Even countries that score a high percentage within the low risk band can be seen as being somehow at risk, considering that the Basic Protection area deals with fundamental elements of a sound democratic media system. Such is the case, for instance, with Italy, which scores 32%, which lies at the upper limit of the low risk band.

Figure 1.1.2. Basic Protection area - Averages per indicator



As general remarks, from the data analysis of the MPM2016 it is possible to assess a positive trend in relation to the indicator on Protection of right to information, which scores low risk in 25 countries out of 30 (with the exception of Bulgaria, Hungary, Turkey (medium), Austria and Luxembourg (high)) and as regards the indicator on Independence and effectiveness of the media authority that scores low risk in 24 countries (five countries score medium risk, namely Latvia, Spain, Hungary, Slovenia and one high, Turkey).

The indicators that are most problematic in the Basic Protection area are Journalistic profession, standards and protection, and Universal reach of traditional media and access to the Internet. The average medium risk of the indicator on Universal reach can be explained to some extent with the high parameters used by the MPM in order to assess acceptable levels of access to the Net, based on EU existing standards.

Even if the general average is within the low risk band (30%), the indicator on Journalistic profession produces alarming results, as one third of the countries analysed under the MPM2016 (Croatia, Ireland, Italy, Romania, Latvia, Bulgaria, Greece, Montenegro, Hungary, Turkey) fall within the medium risk band. The detailed data analysis of this indicator shows that in many countries journalists face censorship, intimidation, job insecurity, physical attacks, and digital threats.

Turkey (a country that was not assessed by previous MPMs) undoubtedly presents the highest risks in relation to the Basic Protection area and is, in general, an outlier in the assessment of the risks to media pluralism under the MPM2016. The country is facing a dramatic crackdown on fundamental rights and rule of law, worsened since the attempted coup of July 2016. The scores for Turkey in the Basic Protection area vary between medium and high risk, with an alarming percentage of risk for Protection of freedom of expression (81%), due to a lack of respect for the rule of law and due to the highest risk amongst the 30 MPM2016 countries in terms of Journalistic profession, standards

and protection. In Turkey, the legal framework on freedom of expression and its implementation are not in line with common European and international standards: for instance blasphemy, insulting religion insulting the President not only are criminal offences, but are widely applied and often turn in prison sentences. Grounds of limitation of freedom of expression are often interpreted in an arbitrary way: criminal law, defamation legislation and the anti-terrorism law are used to punish critical reporting including numerous cases of arbitrary pre-trial detention of journalists<sup>7</sup>. Concerns over the respect of freedom of expression standards arise as a result of general monitoring and blocking policies implemented by state bodies: “tens of thousands of websites, most of them independent and/or Kurdish online news sites have been blocked by Telecommunications Communication Presidency (TİB)”(Inceoglu et al, 2017).

## PROTECTION OF FREEDOM OF EXPRESSION

Freedom of expression is considered to be the cornerstone of democracy. Freedom of the press, freedom of the media, right to access information - being essential conditions for a public sphere in which public opinion is based upon the free exchange of information and opinions - stem from freedom of expression. In addition to that, freedom of expression also ‘enables’ other rights, like the right of assembly, the right to join a political party, the right to vote.<sup>8</sup> Its protection is thus at the very core of any democratic society. EU member states share and are bound to the respect of freedom of expression as it is enshrined in Art 11 of the EU Charter of Fundamental Rights and as it is at the core of their common constitutional traditions. It is also a right that has been effectively promoted under the Enlargement and Accession process (Brogi, Dobрева and Parcu, 2014) and by the Council of Europe framework of protection of human rights (Voorhoof, 2014).

The indicator on Protection of freedom of expression under the MPM2016 aims to assess the existence and effective implementation of regulatory safeguards for freedom of expression in a given country. A country may have good laws protecting freedom of expression, but they may not be implemented or enforced effectively. Sometimes constitutional guarantees may be eroded by exceptions and derogations from international treaty obligations or by other laws that may limit freedom of expression in an arbitrary way. In order to assess the levels of protection of freedom of expression, the MPM uses the standards developed by the European Court of Human Rights (ECtHR) under the interpretation of Art. 10 of the European Convention of Human Rights (ECHR). According to these parameters, freedom of expression must be protected under the rule of law: restrictive measures should have a legal basis in domestic law, should be accessible to the person concerned and foreseeable to its effects; limitations must have a “legitimate aim” and be “necessary in a democratic society”. The ECtHR has interpreted broadly the scope of freedom of expression, as it is considered essential for the functioning of a democratic society: “the dynamic interpretation by the Court of what is to be considered ‘necessary in a democratic society’ together with the limitation of the ‘margin of appreciation’ by the member states has been crucial for the impact of Article 10 of the Convention on the protection of freedom of expression in Europe” (Voorhoof, 2014).

The indicator includes also a sub-indicator that is specific on defamation. While defamation is an important tool to protect people from false statements that damage their reputation, defamation laws can “easily be misused”<sup>9</sup> and criminalization of defamation may pose risks for freedom of expression, producing a chilling effect on journalistic freedom. Journalists, instead, should enjoy a position to exercise their job without fear.

Online violations of freedom of expression are growing in frequency and importance. Another element that is therefore taken into account in the indicator is whether freedom of expression online is limited on the same grounds as freedom of expression offline.<sup>10</sup> In this regard, the indicator takes into account whether Art 10 of the ECHR is respected, and, in particular, whether restrictive measures resulting in blocking, removing and filtering online content comply with Art 10.2 ECHR (i.e. limitations on freedom of expression are prescribed by law, pursue a legitimate aim, and are necessary in a democratic society).

The indicator also takes into consideration whether filtering and blocking practices by Internet service and content providers and by a given state are arbitrarily limiting freedom of expression online.

7 Council of Europe, Platform to promote the protection of journalism and safety of journalists, [http://www.coe.int/en/web/media-freedom/all-alerts?p\\_p\\_id=sojdashboard\\_WAR\\_coesojportlet&p\\_p\\_lifecycle=0&p\\_p\\_state=normal&p\\_p\\_mode=view&p\\_p\\_col\\_id=column-1&p\\_p\\_col\\_pos=2&p\\_p\\_col\\_count=4&sojdashboard\\_WAR\\_coesojportlet\\_mvcPath=%2Fhtml%2Fdashboard%2Fsearch\\_results.jsp&sojdashboard\\_WAR\\_coesojportlet\\_selectedCategories=11709592&sojdashboard\\_WAR\\_coesojportlet\\_fulltext=1](http://www.coe.int/en/web/media-freedom/all-alerts?p_p_id=sojdashboard_WAR_coesojportlet&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&p_p_col_id=column-1&p_p_col_pos=2&p_p_col_count=4&sojdashboard_WAR_coesojportlet_mvcPath=%2Fhtml%2Fdashboard%2Fsearch_results.jsp&sojdashboard_WAR_coesojportlet_selectedCategories=11709592&sojdashboard_WAR_coesojportlet_fulltext=1) (7/04/2017)

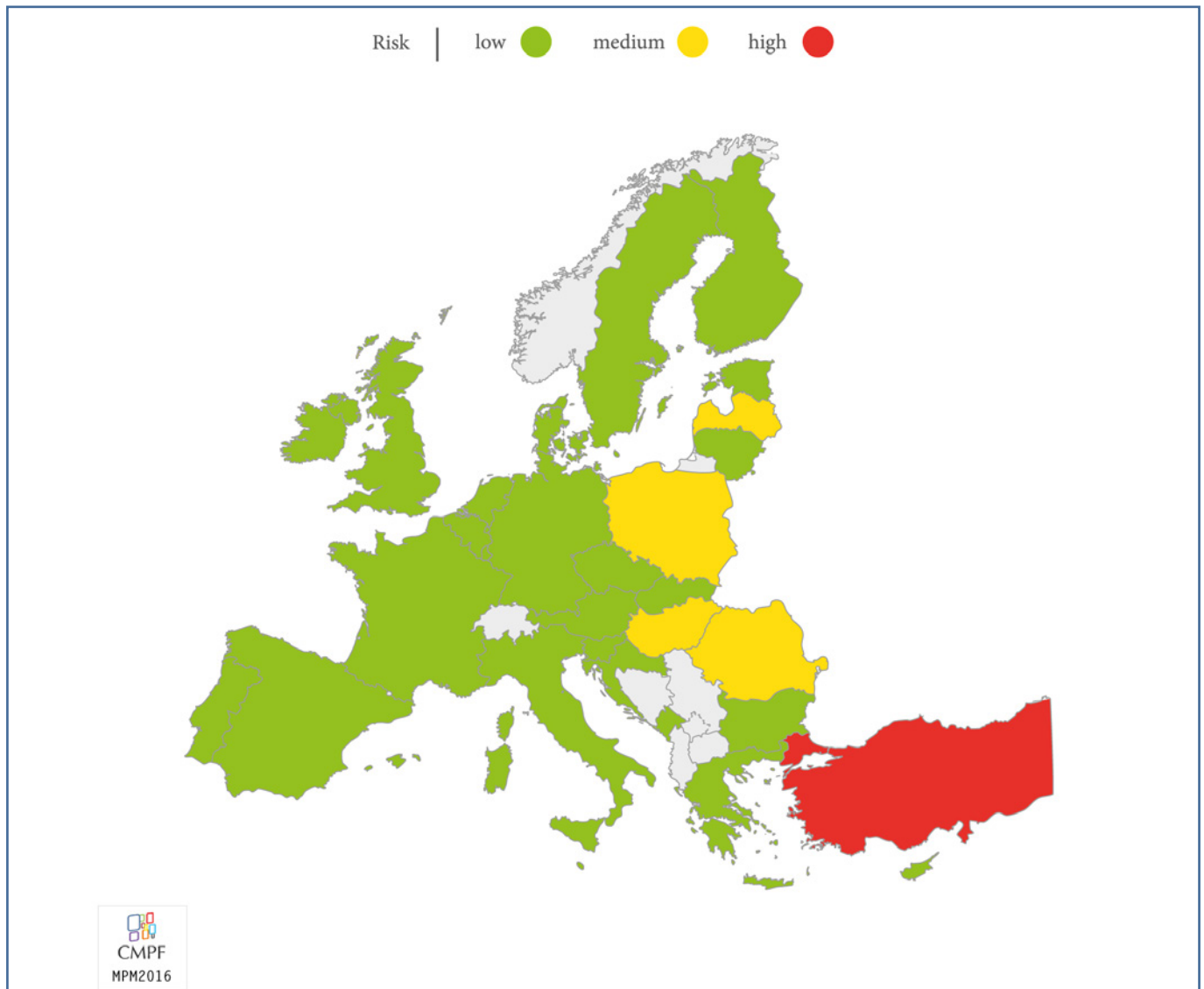
8 See also Council of the European Union, EU Human Rights Guidelines on Freedom of Expression Online and Offline, 12 May 2014 [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/142549.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/142549.pdf)

9 Media pluralism and democracy: outcomes of the 2016 Annual Colloquium on Fundamental Rights [http://ec.europa.eu/information\\_society/newsroom/image/document/2016-50/2016-fundamental-colloquium-conclusions\\_40602.pdf](http://ec.europa.eu/information_society/newsroom/image/document/2016-50/2016-fundamental-colloquium-conclusions_40602.pdf)

10 Recommendation CM/Rec(2016)5[1] of the Committee of Ministers to member States on Internet freedom, (Adopted by the Committee of Ministers on 13 April 2016 at the 1253rd meeting of the Ministers’ Deputies) [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016806415fa](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415fa)



Figure 1.1.3. Protection of freedom of expression - Map of risks per country



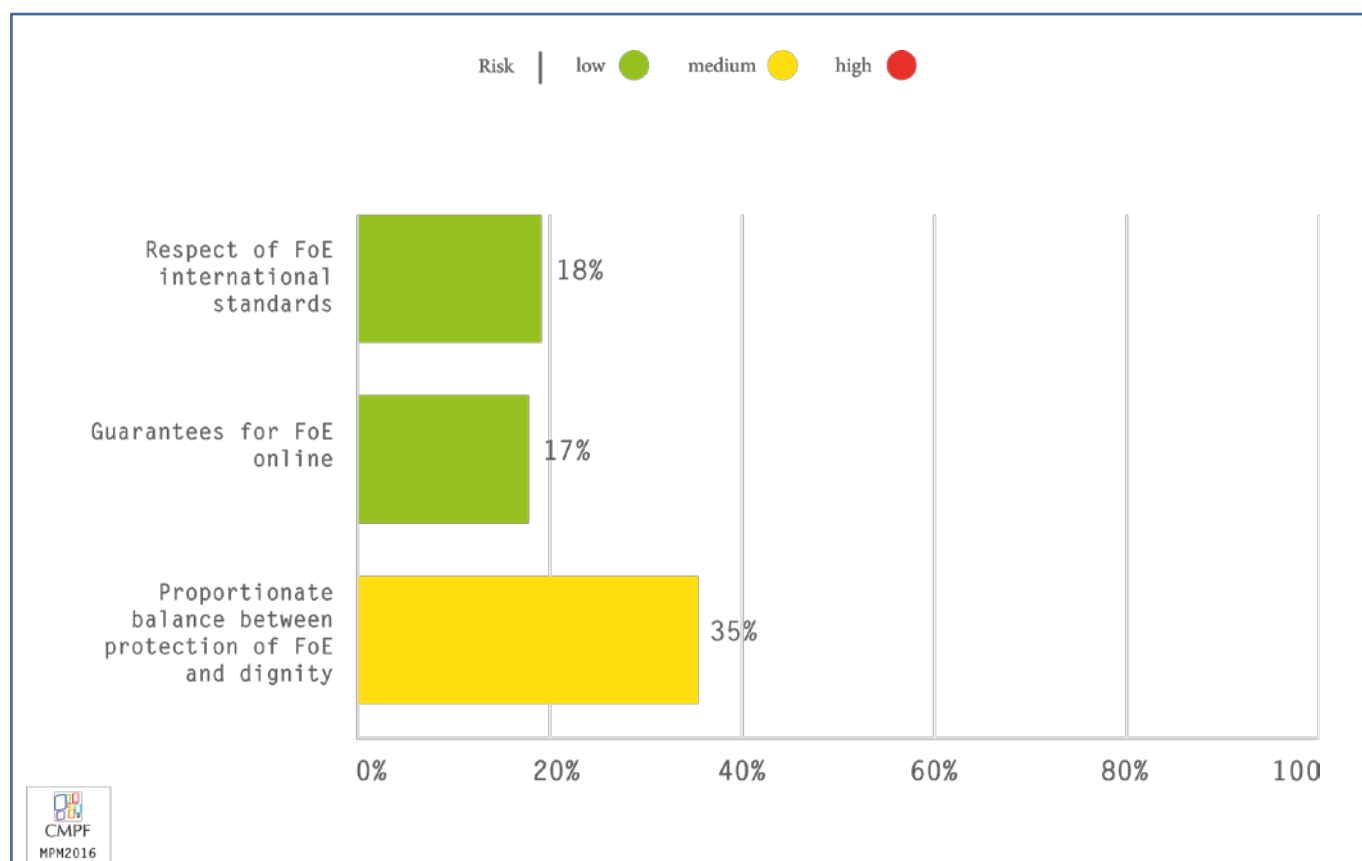
The results for the first indicator on Protection of freedom of expression show 25 countries at low risk (note that Bulgaria and France score a 33% risk, so are very close to the medium risk band), four countries at medium risk (namely Latvia, Hungary, Romania, Poland), while Turkey scores a high risk.

Legal protection for freedom of expression is formally guaranteed in all the countries considered under the MPM2016. It is enshrined in all the constitutions and/or in the national laws. As a general trend, relevant international conventions on human rights, that are particularly relevant for freedom of expression standard setting, the International Covenant on Civil and Political Rights (ICCPR, art 19) and the European Convention on Human Rights (ECHR, Art 10) have been ratified with no particular exemption. According to the collected data (Nenadic, 2017), only Malta has made two peculiar and significant reservations to Article 19 of the ICCPR that may affect the assessment of the risks for freedom of expression in the country, declaring that Art 19 ICCPR does not affect the Constitutional provision that allows for restrictions on the freedom of expression for public officials, as long as such restrictions are “reasonably justifiable in a democratic society”. According to the Code of Conduct of Public Officers in Malta, public officers are precluded from taking an active part in political discussions or other political activity during working hours or on the premises. Malta also reserved the right not to apply article 19 to the extent that non-application is fully compatible with domestic legislation that regulates “the limitations on the political activities of aliens”, and in accordance with Article 16 of the ECHR (Restrictions on political activity of aliens).

It must be noted, that France, since the terrorist attacks in 2015 and Turkey, after the failed coup in 2016 have asked for derogation from certain rights that are guaranteed by the European Convention on Human Rights, due to the state of emergency (Art 15 ECHR). In both cases and to different extents, this can be seen as being a risk to Protection of freedom of expression (see below).

While freedom of expression is formally protected in all the countries considered, the data collection shows that the main differences amongst the legal systems lie in the grounds of limitation of freedom of expression and in the proportionality of this limitation -- in the end, on the respect of the rule of law. Art. 10 ECHR states that freedom of expression can be limited “in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary”. Overall, legal orders of the countries covered under the MPM2016 implementation comply with the standards that are provided by the ECHR and the interpretation of the ECtHR, with some noticeable exceptions.

Figure 1.1.4. Protection of freedom of expression - Risk average scoring for sub-indicator



For instance, the protection of the reputation of others is one of the most common grounds for limiting freedom of expression. The score of the sub-indicator on Proportionate balance between protection of freedom of expression and dignity (35%) under Protection of freedom of expression shows a medium risk on average in MPM2016 countries as regards existence and implementation of proportionate laws on defamation. Many countries score high (Hungary, Latvia, Poland, Portugal, Turkey) or medium risk (Austria, Croatia, Slovenia, United Kingdom, Finland, Italy, Luxembourg) for the sub-indicator on Proportionate balance between protection of freedom of expression and dignity. All countries have legislation on defamation, but the scope of it varies from country to country and the limitations on the ground of honour and reputation are shaped in laws that are not fully homogeneous or comparable and may be not consistent with international standards on freedom of expression. For instance, most of the countries analysed under the MPM guarantee special protection to public officials and to heads of state against defamation. In many countries criminal defamation laws are still upheld, while for just a few, defamation cases are dealt with via civil proceedings. Imprisonment for defamation (libel) is possible in most EU member states, along with pecuniary sanctions; high damages are very common remedies to libel when it comes to civil defamation. According to the MPM2016 data, blasphemy is foreseen as a crime in many EU countries (for instance in Finland, Greece, Italy, Ireland, Denmark, Turkey). This is due to “...[t]he absence of a uniform European conception of the requirements of the protection of the rights of others in relation to attacks on their religious convictions”. This widens the countries’ “... margin of appreciation when regulating freedom of expression in relation to matters liable to offend intimate personal convictions within the sphere of morals or religion”.<sup>11</sup>

11 ECtHR cases *Giniewski v. France* 64016/00, *Otto-Preminger-Institut v Austria* 13470/87; *Wingrove v United Kingdom* 17419/90; and

The scope of the restrictions, interpretation of the law and effective implementation of it by judges make the difference in assessing risks for media pluralism when comparing countries where defamation is a criminal offence. Just as an example, in Poland (high risk in the sub-indicator) defamation, insult and offence are punishable by imprisonment: “although most of the punishments result in fine, or community service, there have been also cases in which the courts decided about suspended sentence of deprivation of liberty. An unnecessarily restrictive and formalistic treatment of some defamation cases by the domestic courts leads repeatedly to applications submitted to the ECHR” (Klimkiewicz, 2017). In Finland, a country that is usually at the top of the international rankings on freedom of expression, defamation carries fines while (just) aggravated defamation,<sup>12</sup> as reported by the country team, can result in a prison sentence of up to two years, which cannot be considered proportional. Nonetheless, as further noted by the country team, no Supreme Court or Appeal Court ruling in the past two years has upheld a fine (no appeals involving prison sentences were processed).

Countries where defamation is not criminalised and imprisonment is not a sanction score lower risks, but may still face problems when it comes to proportionate responses to defamation. The MPM2016 data collection reports cases of the awarding of disproportionate damages (e.g. Montenegro, Romania). While disproportionate remedies can have a chilling effect on journalists as having the effect of limiting their watchdog role, it must be noted that MPM teams have also reported cases in which defamation is used by newspapers as a “political weapon” to feed in an unfair manner the political debate. This is the case in Bulgaria where “the majority of the media involved in libel and defamation are deliberate, and the fines are either never paid or are not enough to discourage further publication”<sup>13</sup>.

Within Protection of freedom of expression, the MPM2016 analyses also whether freedom of expression online is guaranteed and respected in practice. This specific focus is interesting as it gives an overview of how different countries interpret and apply the rule of law for freedom of expression online. In general, the laws are not specifically drafted to protect freedom of expression online: online expression should be limited to the same grounds and extent like offline expression. Nonetheless, this may lead to an incoherent enforcement of the provisions regarding restrictions online, as well as to a lack of predictability and foreseeable consequences of expression online. The sub-indicator on guarantees of freedom of expression online seeks to analyse whether restrictive measures of blocking, filtering and removing online content comply with the three conditions set by Article 10(2) ECHR, namely that limitations on freedom of expression are prescribed by law, pursue a legitimate aim foreseen in Article 10(2) ECHR, and are necessary in a democratic society. Again, the standards for this evaluation are set by the most recent case-law of the ECtHR (Barata and Bassini, 2016). Another aim of the sub-indicator is to collect information on and assess risks stemming from blocking and filtering practices of governments and online intermediaries. Turkey scores high risk for this sub-indicator, with very high risks reported for all the variables that compose the sub-indicator, what confirms its outlier position in comparison with the other assessed countries. The Turkish Ministry of Transportation, Maritime Affairs and Communications and the Telecommunication authority (TIB) could ban access to any website without a court order. Private intermediaries are bound to orders and are compelled to execute the court and TIB blocking decisions they receive subject to the law. No instances of Internet service providers (ISPs) challenging any of the thousands of blocking decisions they receive on a yearly basis have been reported by the country team (Inceoglu et al., 2017, for more details).

Six other countries score a medium risk for this sub-indicator (Cyprus, France, Romania, Ireland, Poland, the United Kingdom). In particular, after terrorist attacks in the country, as state of emergency was declared, France has adopted laws that extend the possibility of blocking websites by order of the State and that allow authorities to monitor international communications without judicial review. The law on surveillance of international electronic communications expands the powers of the executive over the collection, analysis and storage of communications content or metadata, without requiring prior authorization or judicial review. As noted by the country team, this has raised some concern as regards the respect of the rule of law and international standards on freedom of expression.

Similarly, the recent “Investigatory Powers Bill” proposed in 2015 by the UK government has been heavily criticized as an infringement of civil liberties and an unprecedented expansion of state surveillance powers on privacy on one side, and journalistic freedom and protection of sources on the other, as it deals with encryption, bulk data and hacking. The text, as partially amended to include more safeguards and approved by the House of Lords in November 2016, grants police, tax inspectors and other public officers the power to access data related to communications’ traffic (including internet communications) without prior judicial review.<sup>14</sup>

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Murphy v. Ireland, no. 44179/98,

<sup>12</sup> According to Section 10 of Chapter 24 of the Finnish Criminal Code :Section 10 - Aggravated defamation (879/2013) If, in the defamation referred to in section 9(1), considerable suffering or particularly significant damage is caused and the defamation is aggravated also when assessed as a whole, the offender shall be sentenced for aggravated defamation to a fine or to imprisonment for at most two years.

<sup>13</sup> Bulgaria Media Sustainability Index (MSI)2015 \_

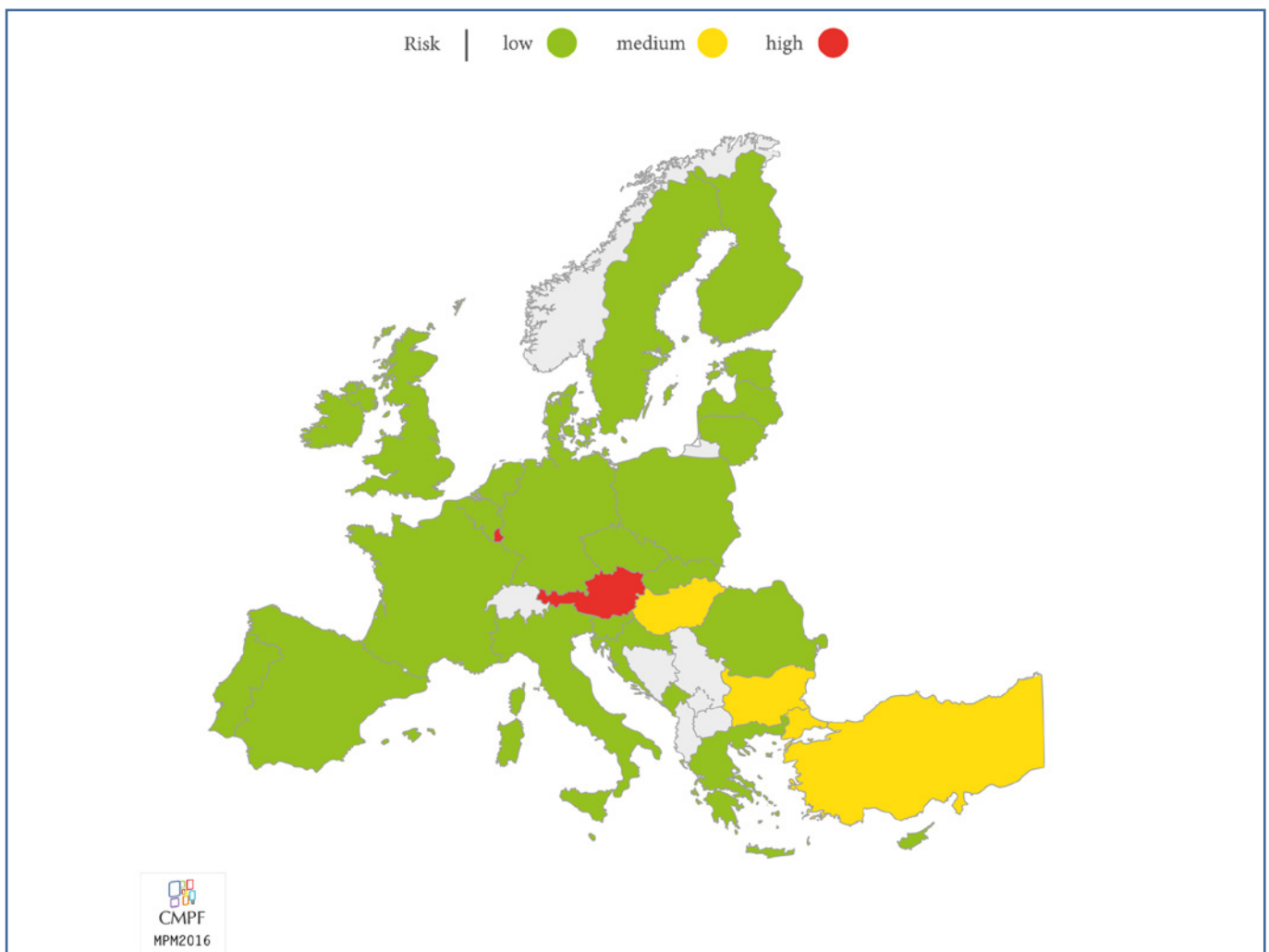
<sup>14</sup> Council of Europe, Platform to promote the protection of journalism and safety of journalists, [https://www.coe.int/en/web/media-freedom/all-alerts?p\\_p\\_id=sojdashboard\\_WAR\\_coesojportlet&p\\_p\\_lifecycle=0&p\\_p\\_state=normal&p\\_p\\_mode=view&p\\_p\\_col\\_id=col-](https://www.coe.int/en/web/media-freedom/all-alerts?p_p_id=sojdashboard_WAR_coesojportlet&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&p_p_col_id=col-)



## PROTECTION OF THE RIGHT TO INFORMATION

The indicator on the Protection of the right to information is designed to assess the existence and effective implementation of regulatory safeguards in relation to access to information. Hence, it aims to assess one of the building blocks of media freedom and investigative journalism. The indicator is very simple and structured in a way that allows comparisons with the MPM2015 indicator on the same topic. As in MPM2015, the indicator focuses on the right of access to information that is held by public authorities and the state, the lawfulness of its limitations, as well as the existence and effectiveness of appeal mechanisms in cases where there is denial of access to information. The indicator is based on the notion that “all information in the possession of the State belongs to the public, with limited and qualified exceptions that must be justified by State authorities”.<sup>15</sup> The indicator has no sub-indicators, but consists of five variables.

Figure 1.1.5. Protection of the right to information - Map of risks per country



According to MPM2016 data collection, Protection to the right of information scores low risk in most of the countries considered. Only a very small portion of states scored a medium risk (3 countries, namely Bulgaria, Hungary and Turkey) and only 2 countries showed a high risk (Austria and Luxembourg). The average risk under this indicator (24%) falls within the low band.

Luxembourg and Austria confirmed the negative scores of MPM2015, as they both fall within the high risk band. The reason why these countries score such high risks is the same as in 2015. In Austria, art. 20 of the Federal Constitution enshrines a right to information in its paragraph 4; however, the same article in its paragraph 3 states that the organs charged with federal, provincial and municipal administration, as well as other public bodies, are sworn to secrecy concerning all facts that come to their knowledge during their official duty and this has precedence over freedom of

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15 Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. 4 September 2013. Available at <http://undocs.org/A/68/362>. Para 50.

information (CMPF, 2016 and Seethaler et al., 2017). The Constitution in Luxembourg does not mention or protect the right to information; in addition there is also a lack of general law on freedom of information (CMPF, 2016 and Kies et al., 2017). On 15 February 2013, a draft law concerning the access of citizens to documents held by the administration was presented to the Parliament of Luxembourg but it is still in the process of being adopted. The bill has been widely criticised by civil society organisations as “it seems not to bring any fundamental change compared to the previous draft bill on the access of citizens to documents held by the administration. It contains numerous exceptions and the administration keeps important powers in terms of deciding when to issue the information” (Kies et al., 2017).

Bulgaria and Hungary (38%) confirm the medium risk assessments of MPM2014. In Bulgaria, laws on freedom of information are not effective: the access to public information has been systematically violated in the last two years. According to the data provided by the Bulgarian country team (Spasov et al., 2017) public institutions “are becoming more and more creative in denying information to the media and to investigative journalists in particular”. In Hungary, while a regulatory framework is in place, and courts have generally ruled on the side of disclosure of public data, lack of information on cases of rejection of access to information and delays coming from court appeals may affect effectiveness of the law and have a high cost to the public’s right to know (Brouillette et al., 2017).

In Italy, instead, the low risk for this indicator is an improvement compared to the assessment on the same indicator under MPM2014 (medium risk - CMPF, 2015). The decreased risk is due to the positive regulatory trends and legislative steps towards an effective right to information, in line with international standards. The Italian government approved in 2016 a legislative decree that details and puts in practice the “transparency” reform already started in 2013.

Turkey scores a very high percentage (63%) within the medium risk band. This is due to the fact that, although the right to information is enshrined in relevant legislation, the grounds of limitation to access to public information are wide (state secrets, the economic interests of the state, the state intelligence, the administrative investigations, and judicial investigations and prosecutions) (Inceoglu et al, 2017), what makes them [the grounds of limitation] not oriented to guarantee transparency and the public interest.

## JOURNALISTIC PROFESSION, STANDARDS AND PROTECTION

Journalists (and other media actors) are those that, in a functioning democratic society, feed the public debate and ensure the public is informed on all matters of public interest. Contributing to the public debate, journalists influence public opinion and, in the end, electoral choices of voters and accountability of politicians. It is therefore important that, in a democratic society, access to the profession of journalist is not limited (e.g. subject to licensing schemes);<sup>16</sup> and that journalists can act independently from political and commercial interests and may rely on an “enabling environment” to carry out their job. In this regard, the standards are provided by the ECtHR: the Court has stressed in its case-law that countries have positive obligations to “create a favourable environment for participation in public debate by all persons concerned, enabling them to express their opinions and ideas without fear”.<sup>17</sup> This means also that the countries are under a duty to guarantee a safe environment where journalists and other media actors can exercise their watchdog function.<sup>18</sup>

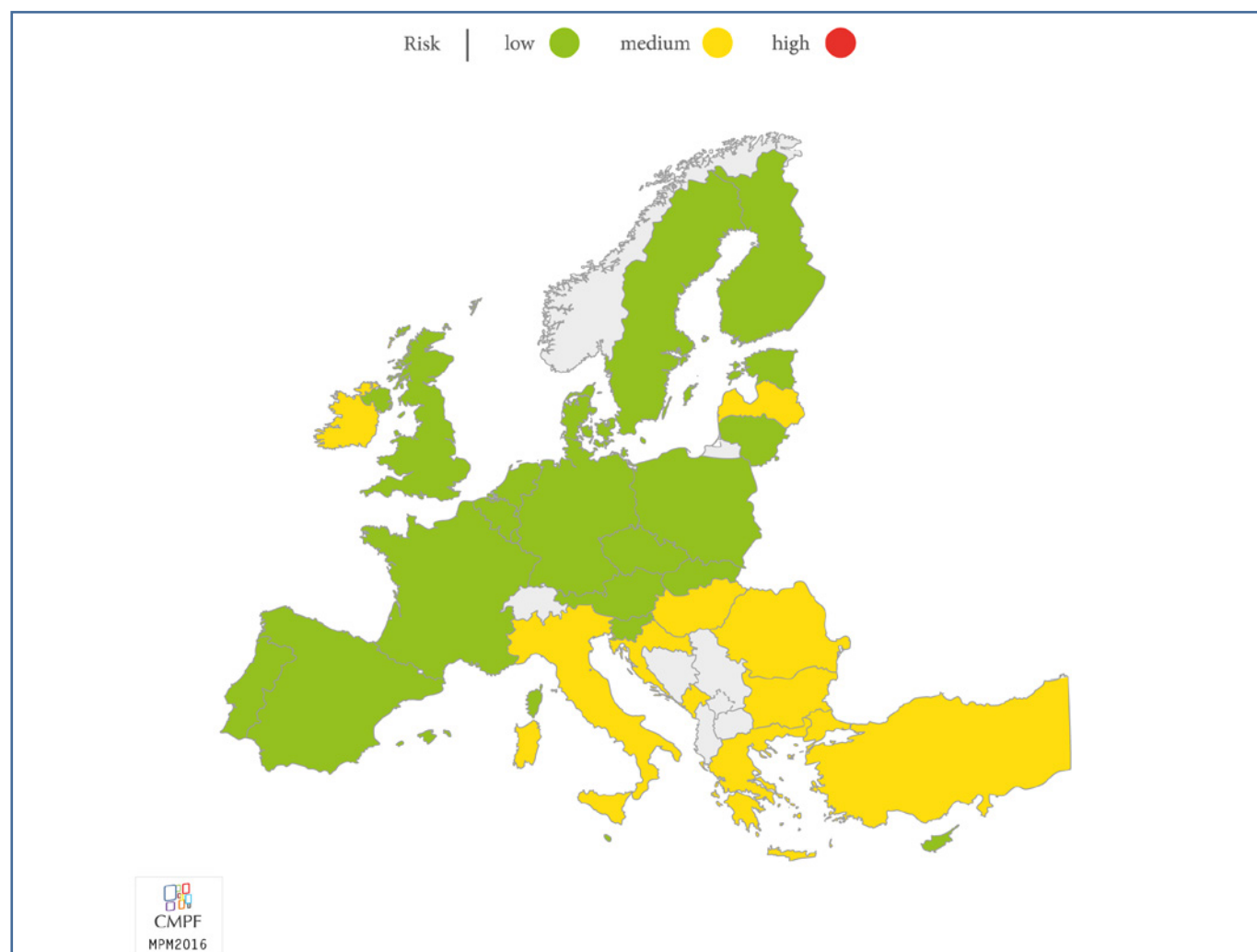
The indicator on Journalistic profession, standards and protection, as in MPM2015, deals with a range of different aspects concerning the journalists and journalism. The indicator is composed of four sub-indicators, that describe risks resulting from conditions to access the profession; from the level of representation of the interests of media professionals and media employers in labour relations and the effectiveness of professional organisations to guarantee professional standards; from safety conditions, both physical and “digital”, and working conditions; and from the existence and levels of implementation of rules on protection of journalistic sources.

16 Cf. Art. 19, Licensing of media workers, <https://www.article19.org/pages/en/licensing-of-media-workers.html>.

17 ECtHR, case Dink v. Turkey, 2668/07, 6102/08, 30079/08, 7072/09 et 7124/09, Judgment on September 14, 2010. See also Council of Europe, Committee of Ministers, Recommendation CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors, [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016806415d9](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415d9)

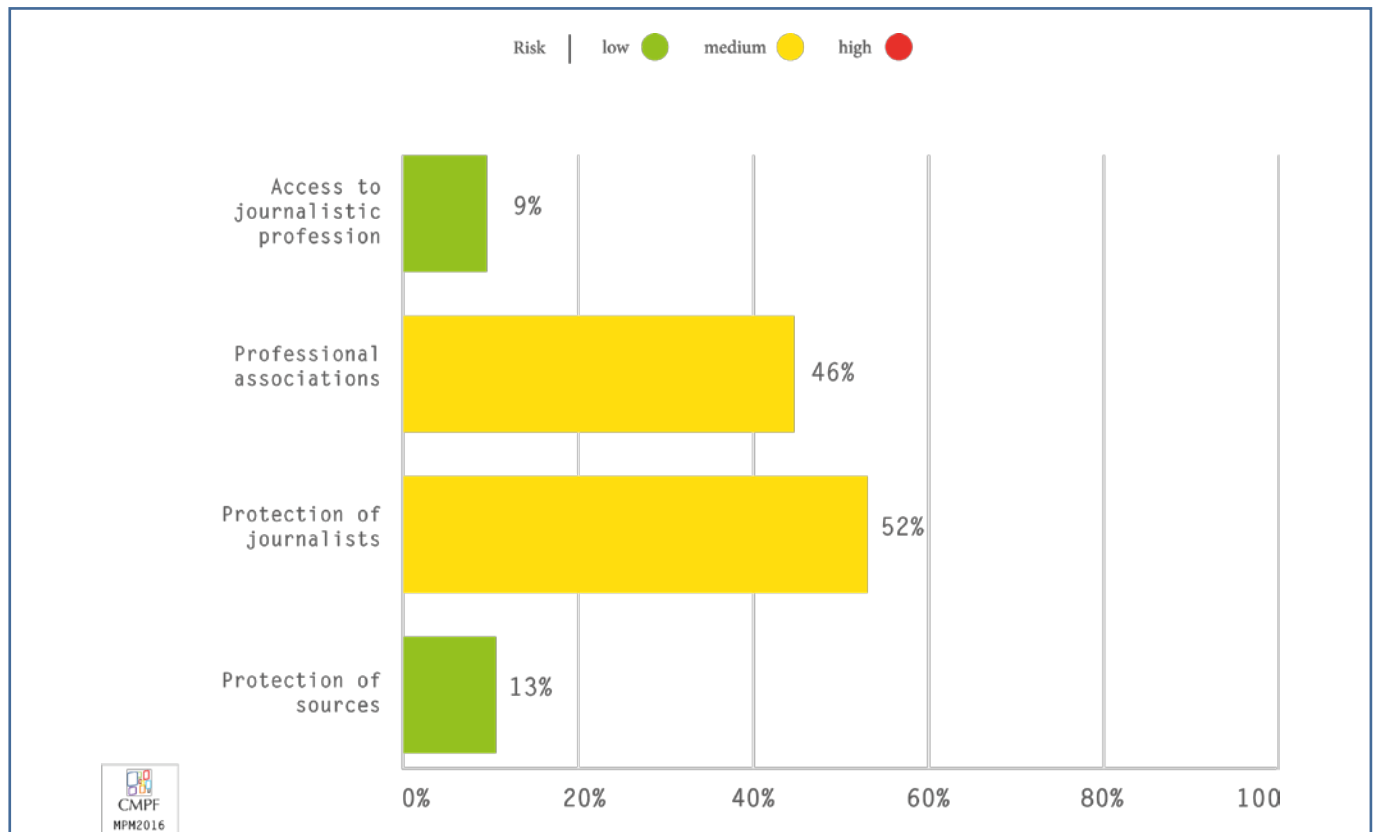
18 This obligation was stressed also during the 2016 Colloquium on Fundamental Rights, see Media pluralism and democracy: outcomes of the 2016 Annual Colloquium on Fundamental Rights, id.

Figure 1.1.6. Journalistic profession, standards and protection - Map of risks per country



As already mentioned, this is an indicator that shows many risks in the MPM2016 countries. A considerable number of countries scored a medium risk (ten countries, namely Croatia, Ireland, Italy, Romania, Latvia, Bulgaria, Greece, Montenegro, Hungary, Turkey), with one country reaching a low level score close to the borderline of medium risk (Netherlands) and four countries (Malta, Cyprus, France and Slovakia) in the low band scoring around 30% of risk, which is still quite high for an indicator under Basic Protection. Turkey is the country that shows the highest risk amongst the thirty counties (63%, medium, but close to the high risk band).

Figure 1.1.7. Journalistic profession, standards and protection - Risk average scoring for sub-indicator



The analysis of the sub-indicator on access to the journalistic profession does not show particular risks (average of the indicator 9%). Most of the countries either have self-regulatory instruments that prescribe who may practice journalism or that require the licensing or registration of journalists on the basis of transparent, objective, proportionate and non-discriminatory requirements, or they do not have any rule on that, enabling open access to the profession. Italy scores a high risk under this sub-indicator, as access to the journalistic profession faces a sort of “filter” by law: a professional journalist must be enrolled in the *Albo dei Giornalisti* (Register of Journalists), kept by the *Ordine dei Giornalisti* (Order of Journalists). In some countries, access to journalism is restrained *de facto* by poor working conditions associated with the profession itself (Austria, Hungary) and by political pressures (Hungary). Although there are no legal barriers, access to the profession in Ireland is influenced by education (and level of education by income). According to the MPM2016 for Ireland (see Flynn, 2017) there is ample evidence that social class is a real determinant of who can access the profession. In Bulgaria, instead, free and unlimited access to journalistic profession is sometimes criticized as leading to many cases of low quality journalism, disregard for the basic professional standards, and propaganda assignments (Spasov et al., 2017).

The assessment of the effectiveness of professional associations and unions in supporting better working conditions, including independence, for member journalists shows an overall medium risk (46%) across the 30 countries. This somehow confirms the results of MPM2015, as most of the analysed countries score high or medium risk under the relevant variables. Only Austria, France and Germany report a low risk. Progressively fewer journalists are represented by professional associations or other journalists’ organisations: this is due to the deep changes in the media job market, the disruption of the information system coming from the web, the fact that journalism is increasingly practiced by freelancers and very often outside traditional media organizations.

The sub-indicator on Protection of journalists scores an alarming average of 52%: most of the countries report a medium or high risk regarding the risks for the safety of journalists. This includes physical safety (attacks and threats to physical integrity) and threats coming from online surveillance, seizure of computers, and disclosure of sources online. States are, therefore, failing to a large extent in fulfilling their positive duty to create that favourable environment for participation in public debate by journalists and other media actors that the ECtHR and Council of Europe have repeatedly advocated for. Turkey, Bulgaria, Croatia, Greece, Montenegro, Italy, Romania, Sweden, Latvia, Germany, Hungary, report high risks. Cyprus, France, Ireland, Poland, Slovakia report medium risks. Finland, United Kingdom, Belgium, Malta, the Netherlands and Spain are scoring 33%, still a high percentage within the low risk band.

On a methodological note, although Turkey scores the highest risk percentage (100%) under the sub-indicator on safety of journalists, the sub-indicator itself does not weigh enough the extent of the effective crackdown on journalists the country is facing, in comparison with other countries that score a high risk under the same sub-indicator<sup>19</sup>. The score for Turkey in this case reflects more an assessment of the effective situation of violation of human rights in the country than an assessment of risks to media pluralism.

The last component of the indicator is protection of sources. According to the data provided by MPM country teams, The Netherlands seem to be the only country where protection of sources is not established in any law or in case-law which represents a risk in this country. The Dutch government has been repeatedly criticized by the European Court of Human Rights for not having legislation in place that legally guarantees the protection of journalistic sources (Paapst and Mulder, 2017). In Greece, the country team reports that there are some rules regarding the protection of sources to radio and television news and current affairs programmes. The courts recognise that protection of sources constitutes an intrinsic part of free speech (Kandyla and Psychogiopoulou, 2017) and self-regulation provides for the protection of journalistic sources. In Bulgaria, a legislation on journalistic sources is in place, but many cases of pressure on journalists are reported: in January 2015 the Financial Supervision Commission (FSC) imposed high fines on Capital Daily and Dnevnik Online, and on zovnews.com, claiming that the publications of these media aimed to destabilize the banking sector and insisting the sources of information to be revealed (see Spassov et al., 2017). In France, after the Intelligence Bill was passed, emails and messages exchanged by journalists and sources are susceptible of being intercepted if the latter are targeted in the fight against terrorism (Vedel et al., 2017). As mentioned in the MPM2016 data collection for France, intelligence services can obtain and preserve for five years the browsing history of any journalist. A serious case of violation of protection of sources is reported in Latvia: a 2016 case of police investigation on the team of the programme “Aizliegtais paņēmiens” and on journalist Sanita Miķelsone (Rozukalne, 2017).

## INDEPENDENCE AND EFFECTIVENESS OF THE MEDIA AUTHORITY

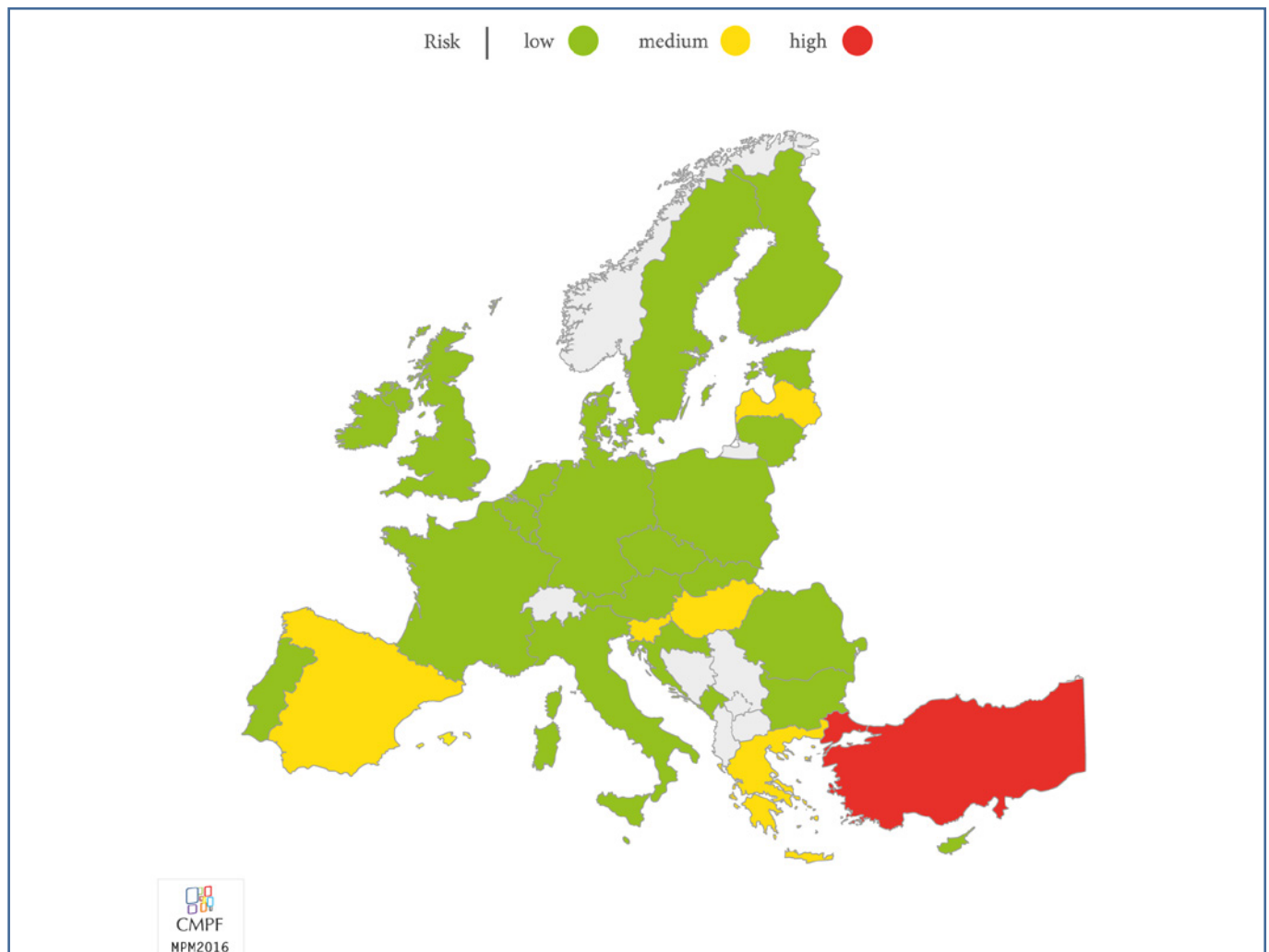
The recent 2016 Colloquium on Fundamental Rights on Media Pluralism and Democracy has affirmed the importance of independence of media authorities for media pluralism, also in the light of the on-going revision of the Audiovisual media service directive.<sup>20</sup> Building on the MPM2015 pilot-test implementation, the indicator on independence and effectiveness of the media authority has been revised in MPM2016 and focussed only on the main media authority (see definition below). The indicator is designed to capture a number of different characteristics of media authorities in the thirty countries: whether the appointment procedures guarantee their independence and whether the authorities are independent in practice; whether the allocation of budgetary resources protects them from coercive budgetary pressures and ensures the possibility of performing their functions; the type of powers and appeal mechanisms which are in place in regard to the authorities’ decisions; transparency and accountability of their actions.

19 The MPM was originally not designed to measure the type of situation currently existing in Turkey, as, for example, no indicator refers to the number of journalists in prison.

20 “The European Parliament and the Council should swiftly adopt the revision of the Audiovisual Media Services Directive proposed by the European Commission in May 2016. It requires regulatory authorities in the field of audiovisual media services to be independent and sets out the requirements on independence they have to comply with”. [http://ec.europa.eu/information\\_society/newsroom/image/document/2016-50/2016-fundamental-colloquium-conclusions\\_40602.pdf](http://ec.europa.eu/information_society/newsroom/image/document/2016-50/2016-fundamental-colloquium-conclusions_40602.pdf)



Figure 1.1.8. Independence and effectiveness of the media authority - Map of risks per country

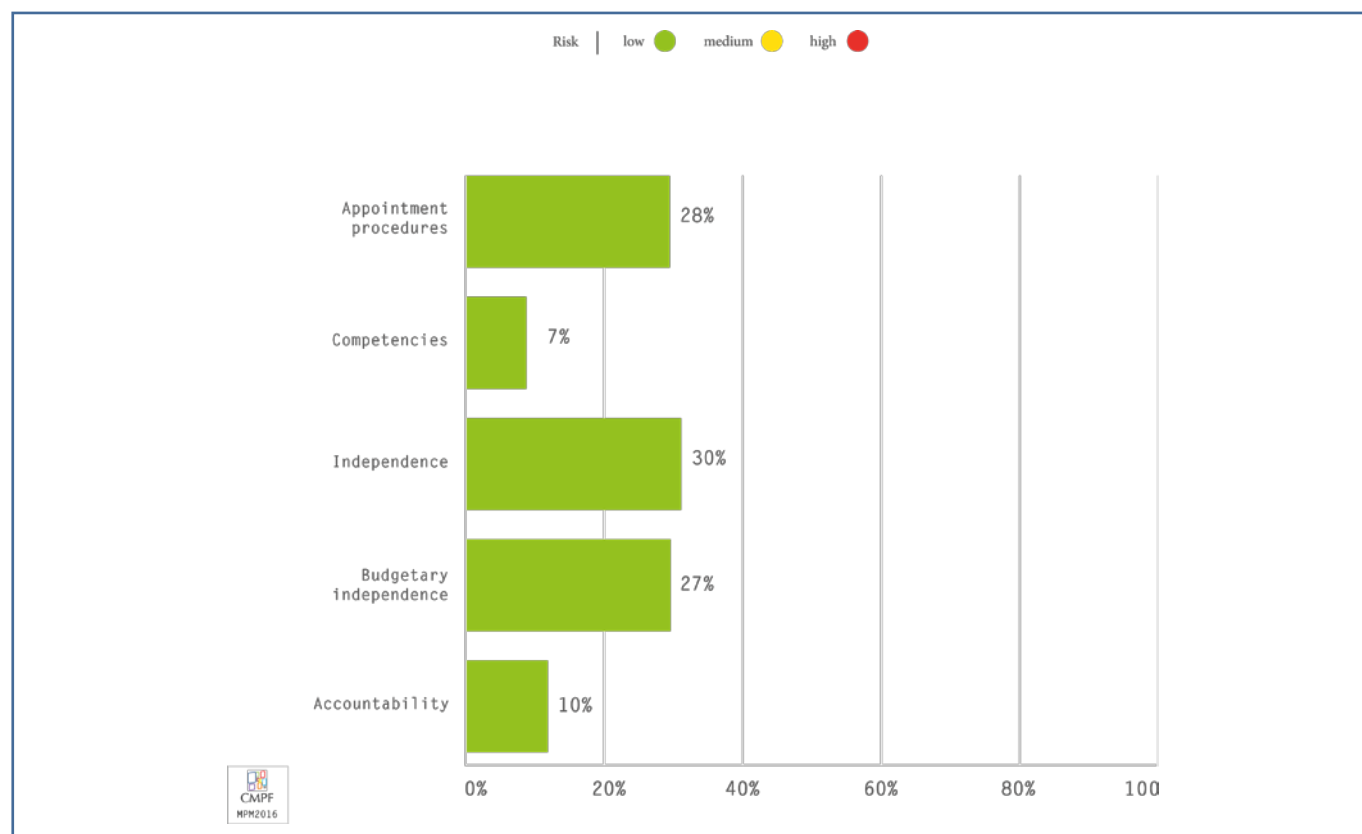


On a methodological note, the MPM2016 considers a media authority to be a public body which upholds the rules that are formulated in media acts and laws and which oversees the media market. For those countries that do not have an authority devoted to media regulation, the MPM2016 asks to consider and assess the authority that is part of the European Regulators Group for Audiovisual Media Services (ERGA) or of the European Platform of Regulatory Authorities (EPRA). In Estonia, for instance, the Technical Regulation Authority is considered, while for Spain the competition authority.

For this indicator, just a small percentage of the countries reached a medium (five countries) or high level risk (only Turkey). The medium risk for five countries (Latvia, Greece, Spain, Hungary and Slovenia) is due to the fact that, despite the fact that most of these countries have laws in place to ensure more transparency and independence for the media authorities, the appointment procedures are not always effective in safeguarding political and/or commercial independence of the members. These countries report also that, in practice, media authorities are subject to some kind of political interference in their activities.

According to the MPM2016 data collection, the Turkish situation of high risk is due to different factors. Firstly, the selection and appointment procedures of the members of the Radio and Television Supreme Council (RTÜK) defined by the law is not transparent and cannot exclude political interference. There is no independent representative of media associations, trade unions, academia or audience to strengthen the independence and professionalism of the regulatory body. In practice, the Authority does not act independently from political influence. The Radio and Television Supreme Council publishes annual reports on its activities including its budget, revenues, statistics, employment etc.; however, the country team notes that there are no details about its decisions, information on the media market, market shares or audience shares and media ownership.

Figure 1.1.9. Independence and effectiveness of the media authority - Risk average scoring for sub-indicator



A common feature in many countries observed under the MPM2016 is the weak effectiveness of mechanisms that exclude political or commercial influences and ensure independence of the authorities in the appointment procedures for the members of the authorities. In addition to countries that scored medium or high risk under this indicator (see above), Greece, Ireland, Italy, Slovenia are at high risk for the relevant sub-indicator on Appointment procedures. Political influences on appointments do not automatically mean that the authority will act in line with political inputs, but it poses a risk of further interference.

The assessment of the competencies of the authorities scores an overall 9% of risk. Within this sub-indicator the main problem comes from few cases in which the government overruled decisions of the media authority.

Recent cases in Europe have put the spotlight on the important role of media authorities in the governance of national media sectors and media pluralism and posed some questions regarding the level of independence (or better “resilience”) of these authorities, vis à vis political power. Media authorities can be exposed, for instance, to political turnover. For instance, in Croatia, there has been an escalation in political pressure towards the media authority, the Council of Electronic Media. The Council issued a ban on the television broadcaster Z1 (regional license) for repeated incitement to hatred in its programs. The (then) newly appointed Minister of Culture and the Croatian Government rejected the 2014 annual report by the Council and proposed to the Croatian Parliament for the Council to be removed and replaced. Due to increasing pressure the president of the Council for Electronic Media eventually resigned from her position<sup>21</sup>.

In Poland, 2015 Small Media Act, and the 2016 Act on National Media Council, modified for the first time since 1993 the competences of the Broadcasting Authority (KRRiT) in the area of appointing PSM boards and supervising PSM. The ‘Small Media Act’ introduced PSM boards’ appointment directly by the Minister of the Treasury, while the 2016 Act on National Media Council, created later a new body responsible for PSM appointments (National Media Council), weakening the competences of KRRiT in this regard. This is a case of “legislative drain” of competencies from an independent authority (KRRiT) to a body that is under governmental control. The composition of the national Media Council, in fact, “strongly reflects influence of political parties and does not limit a possible membership by active politicians and the Members of Parliament” (Klimkiewicz, 2017).

<sup>21</sup> Although the president resigned, her resignation has not been accepted (end of 2016), so she remains in office as well as the rest of the Council.

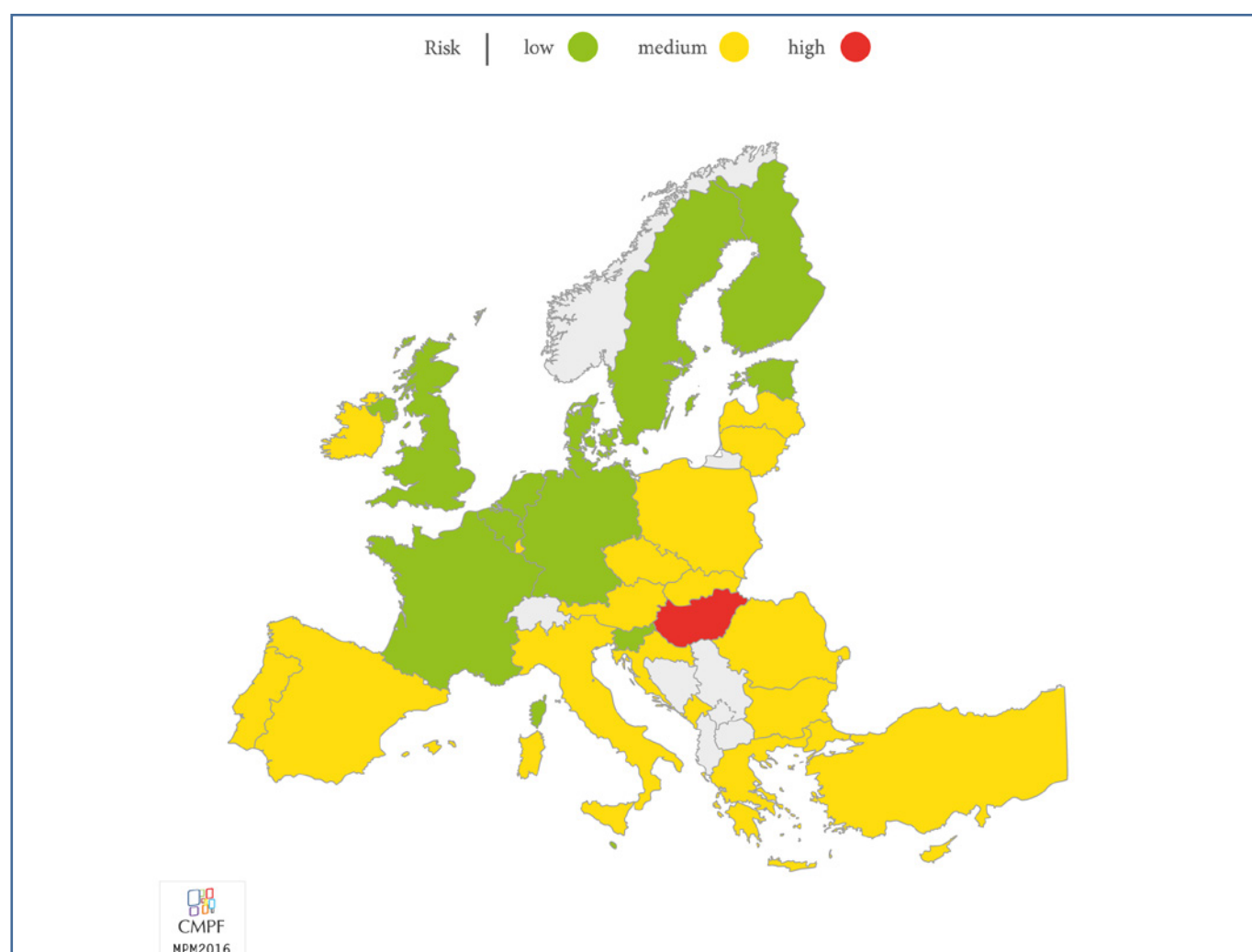
In Greece, due to the ability of political parties to veto candidates, there have been considerable delays in the appointment of new members of the broadcasting authority. This was done with the purpose to hinder the auction procedure to assign licences for digital terrestrial TV transmission, as the Authority should have been involved in it (see Kandyla and Psychogiopoulou, 2017, for more details).

Budgetary independence of the media authority is an issue in at least one third of the countries: Spain, Turkey, Estonia, Greece and Montenegro score high risk for the relevant sub-indicator, while Finland, Latvia, Luxembourg, Slovakia and Slovenia show a medium risk. According to the standards of the Council of Europe<sup>22</sup>, arrangements for the funding of the media authority should be specified in law, with reference to the estimated cost of its activities, so as to allow the authority to carry out its functions fully and independently. Public authorities should not use their financial decision-making power to interfere with the independence of the media authority.

## UNIVERSAL REACH OF TRADITIONAL MEDIA AND ACCESS TO THE INTERNET

The aim of the indicator on Universal reach of traditional media and access to the Internet is to describe risks to pluralism coming from an insufficient level of access to platforms of content distribution. The indicator on universal reach of traditional media and access to the Internet is an improvement of the MPM2015 indicator on Universal coverage of PSM and the Internet. The indicator consists also of variables on net neutrality, contained in MPM2015 under the indicator on horizontal ownership concentration and on access to the Internet.

Figure 1.1.10. Universal reach of traditional media and access to the Internet - Map of risks per country



22 Declaration of the Committee of Ministers on the independence and functions of regulatory authorities for the broadcasting sector (2008) [https://wcd.coe.int/ViewDoc.jsp?p=&Ref=Decl\(26.03.2008\)&Language=lanEnglish&Ver=original&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=Decl(26.03.2008)&Language=lanEnglish&Ver=original&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75&direct=true)



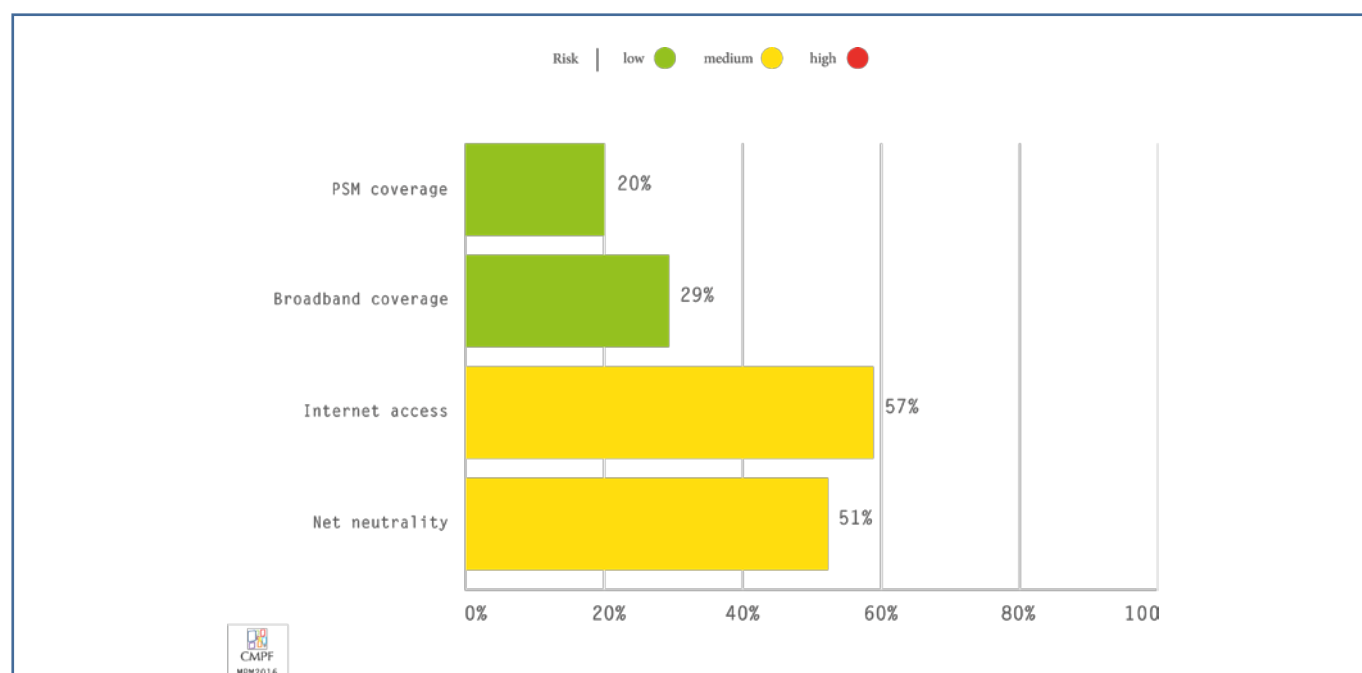
The majority of the countries scored a medium risk for this indicator (18 out of 30), with eleven countries reaching a low risk and just one country (Hungary) showing a high risk (81%). This high risk score for Hungary is mostly due to the fact that universal access for broadband (fixed line and mobile) has not been achieved in Hungary, with 87,20% of broadband coverage, which is low if compared with the countries that obtained the best score for this indicator, i.e. Denmark, Finland, Sweden and the Netherlands, where broadband coverage reaches almost 100% (Sweden 99.8%, Netherlands 99.9%, Finland 99.8% and Denmark 99.7%). It is important to highlight, however, that the thresholds for the broadband coverage are quite high (99-100 low risk, 98-97 medium risk and 96 or less high risk, calculated by taking into account the existing levels of broadband in EU countries).

As for the Internet Access, 23 countries scored a medium or high risk, with just seven countries reaching a low risk level. We have to bear in mind that MPM2016 again has a very high threshold for assessing this risk (low risk 81-100%, medium risk 71-80% and high risk 0-70%, calculated by taking into account the existing levels of access to internet in EU countries).

Regarding the percentage of the population covered by signal of all public TV channels and radio stations, the majority of countries scored a low risk level (20 countries for TV channels and 18 for radio, with only few countries with a high risk level (5 for TV channels and 4 for radio stations), with an even higher threshold for assessing the risk levels (Low: 99% or more; Medium: >98% and <99%; High: <98%).

This indicator also showed a high concentration of the market shares in the hands of the TOP 4 Internet Service providers (ISPs) in the large majority of countries analysed (22 out 30). Two countries were found to have no available data. Harmonised rules on net neutrality apply throughout the EU as of 30 April 2016, following the adoption of Regulation (EU) 2015/2120 on 25 November 2015 (which is directly binding). So the principle of net neutrality is introduced directly in all 28 EU member states. It is, therefore, not surprising that Montenegro and Turkey score high risk under this sub-indicator, as they do not have any principle on net neutrality in their legislation.

Figure 1.1.11. Universal reach of traditional media and access to the Internet - Risk average scoring for sub-indicator



## 1.2 ANALYSIS OF MARKET PLURALITY

The Market Plurality area aims to assess risks to media pluralism that arise from the legal and economic context in which market players, most notably content providers, operate. For example, it seeks to establish whether regulation that restricts concentration of ownership has been enacted and, if so, whether it is effectively implemented. This area further attempts to unfold the economic conditions of the market in which these providers offer their services. For instance, it attempts to depict the levels of ownership concentration with reference to the market and audience shares that media firms hold.

The Market Plurality area comprises the following five indicators:

- Transparency of media ownership
- Horizontal concentration of ownership
- Cross-media concentration of ownership and competition enforcement
- Commercial influence over editorial content
- Media viability

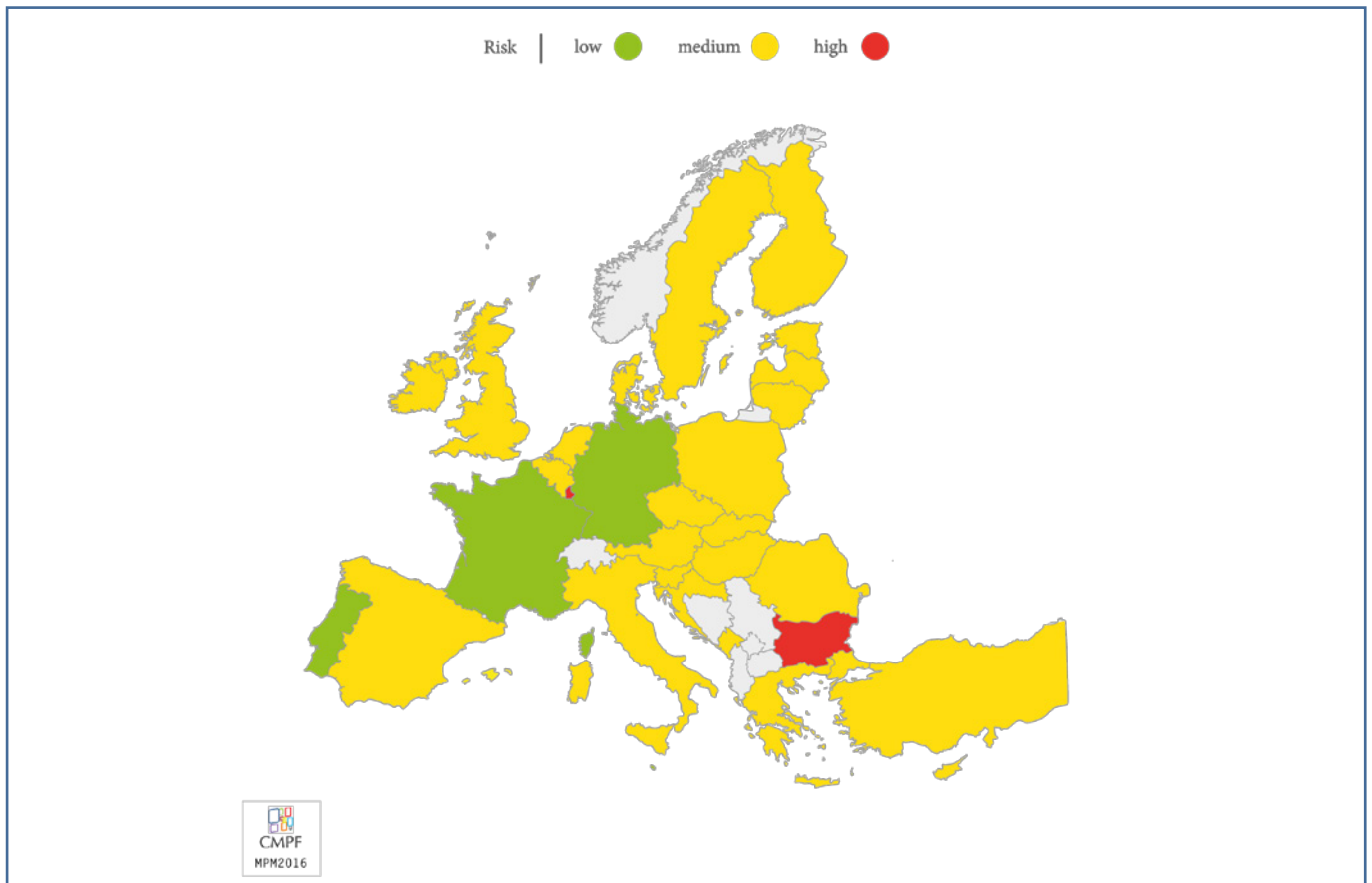
As with all other areas of the Monitor, the above five indicators consist of sub-indicators. In turn, these sub-indicators encompass variables that evaluate risks that are pertinent to the issue under examination. For example, the indicator assessing commercial influence over editorial content contains a sub-indicator on editorial decision-making, which includes variables relating to regulation that prohibits advertorials.<sup>23</sup> Compared to MPM2015, the most significant novelty in the Market Plurality area is the introduction of the indicators on Commercial influence over editorial content and Media viability. Though slightly amended, the remaining three indicators<sup>24</sup> are based on the same rationale as their ‘predecessors’.

In the Market Plurality area, the vast majority of the countries under consideration scores medium risk. Two countries, namely Bulgaria and Luxembourg, score high risk, and three countries, that is, Germany, France and Portugal, score low risk.

23 As per the Unfair Commercial Practices Directive, advertorials consist of “[u]sing editorial content in the media to promote a product where a trader has paid for the promotion without making that clear in the content or by images or sounds clearly identifiable by the consumer”. See Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council [2005] OJ L 149/22, Annex I, (11)

24 A description of the amendments introduced to the indicators used in the MPM2015 implementation will be provided below

Figure 1.2.1. Market Plurality area - Map of risks per country



At one end of the spectrum, Bulgaria scored 71%. Media ownership concentration (horizontal) and Commercial influence over editorial content are the indicators that reflect the highest level of risk. This score is largely explained by the fact that, in Bulgaria, rules restricting concentration of ownership do not apply. Given sector-specific economics, which encourage consolidation, lack of regulatory safeguards setting ownership caps translates into high concentration ratios in several domains. For example, based on the data submitted by the country team, the CR4 concentration ratio<sup>25</sup> in the audiovisual and radio sectors is 82% and 81% respectively. In addition, there are currently no mechanisms that protect journalists in cases of changes of ownership and/or editorial direction. There also appears to be well-documented influence of commercial interests over editorial decisions.<sup>26</sup>

At the other end of the spectrum, France scored the lowest risk in the Market Plurality area. This outcome is based on a number of parameters, including the existence of regulatory safeguards that limit (horizontal and cross-media) concentration and rules that establish transparency obligations *vis-à-vis* the public authorities and the public at large. Moreover, in order to shield editorial content from commercial influence, the French *Code du Travail* includes a *clause de conscience*; based on the provision in question, journalists are entitled to compensation in cases where they decide to terminate their employment contract on the grounds that changes in the editorial direction of the publication have taken place that are likely to affect their honour, reputation, or moral interests.<sup>27</sup> However, it must be noted that, while performing better than the other countries examined by MPM2016, even the French situation is not ideal. For example, the fact that the national legislator has enacted certain rules in order to mitigate risks to media pluralism that

25 The CR4 (or Top4) concentration ratio is an indicator of the size of the four largest firms within an industry, compared to the output of the entire industry. In this example, we refer to market share, which refers to the share of total revenues generated in the sector concerned

26 Assessment made by the Bulgarian team for Variable 101, referring to, *inter alia*, Freedom House (2016). *Freedom of the Press 2015 – Bulgaria*. Available at: <https://freedomhouse.org/report/freedom-press/2015/bulgaria>; Blagov, K. and Orlin Spassov (2014). *Influence on the Media: Owners, Politicians and Advertisers*. Available at: [http://www.kas.de/wf/doc/kas\\_39402-1522-2-30.pdf?141117155526](http://www.kas.de/wf/doc/kas_39402-1522-2-30.pdf?141117155526); and IREX (2016). *2016 Media Sustainability Index: Bulgaria*. Available at: <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eur-asia-2016-bulgaria.pdf.pdf>

27 Article L7112-5 reads: 'Si la rupture du contrat de travail survient à l'initiative du journaliste professionnel, les dispositions des articles L. 7112-3 et L. 7112-4 sont applicables, lorsque cette rupture est motivée par l'une des circonstances suivantes: 1° Cession du journal ou du périodique; 2° Cessation de la publication du journal ou périodique pour quelque cause que ce soit; 3° Changement notable dans le caractère ou l'orientation du journal ou périodique si ce changement crée, pour le salarié, une situation de nature à porter atteinte à son honneur, à sa réputation ou, d'une manière générale, à ses intérêts moraux. Dans ces cas, le salarié qui rompt le contrat n'est pas tenu d'observer la durée du préavis prévue à l'article L. 7112-2'

arise from ownership concentration does not necessarily mean that the rules in question are adequate to achieve that objective. This may be inferred, *inter alia*, from the data gathered by the country team concerning the radio sector; safeguards to limit concentration in radio markets exist, but the audience concentration ratio is 72%.<sup>28</sup> This result is explained by the fact that the Monitor aims to assess whether safeguards are in place without restricting the regulatory options States have at their disposal; it is up to the States under examination to decide which type of measure best addresses the risk concerned on the basis of the specificities of national media markets.

One final remark needs to be made on the overall results of the Market Plurality area: the common assumption that small markets are more vulnerable to consolidation does not seem to hold. That is to say, one cannot establish a direct and causal relationship between the risk levels and the size of the market. It is worth noting that the assumption that small markets are systematically more susceptible to concentration than larger markets was also contradicted by the MPM2015 results (CMPF, 2016).

## TRANSPARENCY OF MEDIA OWNERSHIP

Media is a key component of democracy, for it plays an important role in holding power to account.<sup>29</sup> However, in order to achieve that objective, it is essential that the ownership structures of media organisations be transparent. Public authorities need to know who controls the media outlets they are entrusted with monitoring in order to effectively tackle undue concentration. Citizens need to know who controls media organisations, the content of which they consume in order to make informed decisions about matters of common concern. Based on the above rationale, the Monitor seeks to assess whether regulation establishing the obligation of media organizations to disclose their ownership structures has been enacted and, if so, whether it is effectively implemented.

Compared to previous implementations of the Monitor, the main novelty introduced by MPM2016 consists in that, instead of using one indicator to assess the extent of transparency obligations *vis-à-vis* the public, and/or the public authorities, this indicator now contains two sub-indicators that distinguish between the two issues. The reason for introducing this change to the Monitor is two-fold: first, rules ensuring transparency *vis-à-vis* the public authorities and the rules ensuring transparency *vis-à-vis* the public at large serve different purposes. The former enable the competent authorities to effectively apply sector-specific regulation, including regulation restricting ownership and regulation that prevents interference with editorial independence.<sup>30</sup> The latter enable citizens “to form an opinion on the value to be given to [...] ideas and opinions disseminated by the media”,<sup>31</sup> thereby contributing to building a more effective citizenry. Second, previous implementations of the Monitor have demonstrated that there are countries that have established rules covering both dimensions of transparency. The dichotomy is therefore meant to reflect this regulatory reality; in cases where citizens are deprived of access to information about media ownership, risks to media pluralism are expected to be higher than in cases where relevant rules have been enacted and are effectively implemented.<sup>32</sup>

Based on the information submitted by the country teams, in most countries, risks to media pluralism arise not because the legislator has not enacted the rules that seek to ensure transparency of ownership,<sup>33</sup> but because the rules in question are not effectively implemented and/or only partially serve transparency. The reasons for this result vary. For example, in cases where the trail of proprietorship leads abroad, the regulator reportedly encounters difficulties in finding accurate information about the ownership structures of the media firm(s) concerned. Moreover, there are cases where firms operating in the media industry do not fall under the scope of sector-specific rules.

28 In the case at hand, the CR4 ratio is obtained by summing the audience shares of the 4 most popular radio owners within the radio market. Calculation of the audience share is based on the standard or most widely accepted audience measurement system available in the country

29 Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on media freedom and pluralism in the digital environment [2014] OJ C 32/4, paragraph 1. Retrieved from: [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014XG0204\(02\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014XG0204(02)&from=EN)

30 See Council of Europe. *Recommendation No. R (94) 13 of the Committee of Ministers to Member States on Measures to Promote Media Transparency*. Retrieved from: <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=534799&SecMode=1&DocId=515710&Usage=2> (last accessed on 30/12/2016)

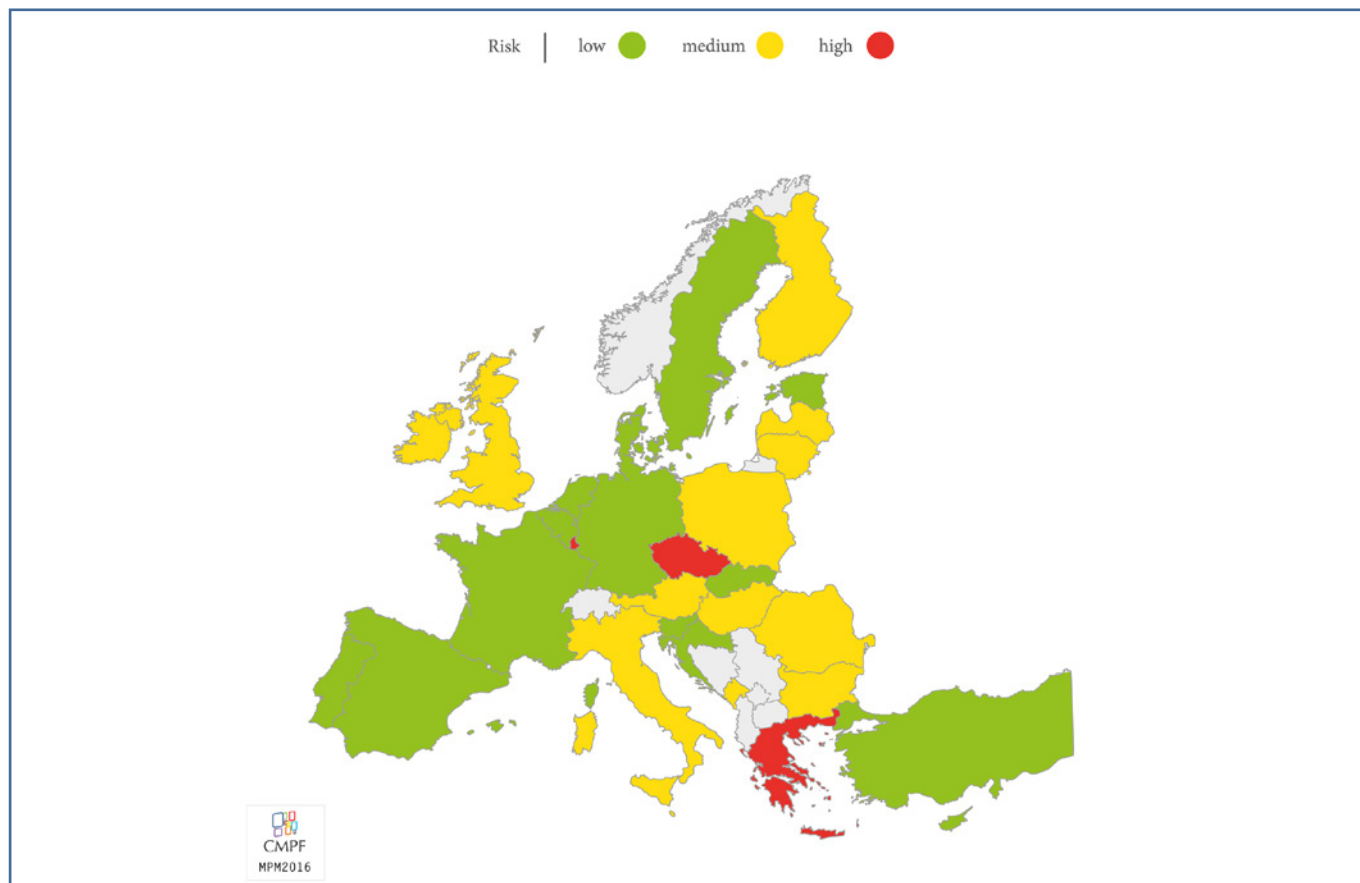
31 Ibid.

32 Reference is made to citizens since, if there are rules establishing the obligation of media firms to disclose their ownership structures to the public at large, regulatory authorities may still exercise their monitoring duties as they may thereby access this. However, if the legislator was limited to establishing the obligation of media firms to disclose their ownership structures to the public authorities, citizens would not necessarily be able to access information about who controls the sources they consult

33 Based on the information submitted by the country teams, rules ensuring transparency *vis-à-vis* the public at large have been enacted in 23 countries. Rules ensuring transparency *vis-à-vis* the public authorities have been adopted in 28 countries

For example, in Cyprus, broadcasters are expected to publish in daily newspapers the names of the (natural or legal) persons who own more than 5% of the capital.<sup>34</sup> In the Czech Republic, broadcasters may acquire a license only if they submit information about the identity of their shareholders and the members of their governing bodies.<sup>35</sup> However, neither in Cyprus nor in the Czech Republic are firms in the press sector bound by similar duties. In all the above cases, knowledge about who controls the media in a given landscape is limited, or at least incomplete.<sup>36</sup>

Figure 1.2.2. Transparency of media ownership - Map of risks per country



As Figure 1.2.2 shows, three countries, namely, Greece, Luxembourg and the Czech Republic, score a high risk in this indicator. In Luxembourg, media firms are not bound by transparency obligations *vis-à-vis* the public authorities. In addition, while certain safeguards exist to ensure transparency *vis-à-vis* the public, these are not sufficiently robust, since media firms are merely bound by the obligation to disclose their initial ownership structures. That is to say, they are not obliged to inform the public about any changes in ownership that may take place after the company is formed. Contrary to Luxembourg, in Greece, rules to ensure transparency *vis-à-vis* the competent authority do exist, but they do not seem to achieve the objective that they were enacted to pursue. In a recent report, the Greek regulator for the television and radio broadcasting sector, ESR, pointed to a number of factors that adversely affect the accuracy of the ownership data that it holds and subsequently publishes. These factors involve hurdles of an administrative nature (other authorities are not bound by law to provide the ESR with relevant information), as well as budgetary constraints in preparing annual reports that include detailed ownership data.<sup>37</sup>

34 Cyprus Radio Television Law 7(I) 1998, Article 20(1). Available (in Greek) at: [http://www.cylaw.org/nomoi/enop/non-ind/1998\\_1\\_7/full.html](http://www.cylaw.org/nomoi/enop/non-ind/1998_1_7/full.html)

35 Broadcasting Act 231/2001 of May 17, 2001, on Radio and Television Broadcasting Operation and on Amendments to Other Acts, Article 14(1)(a)-(d). Retrieved from: [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=197933](http://www.wipo.int/wipolex/en/text.jsp?file_id=197933)

36 For more information on the transparency of media ownership in Europe (or the lack thereof) see Craufurd-Smith, R. and Yolann da Stolte (2014). *The Transparency of Media Ownership in the European Union and Neighbouring States: Report on a Project by Access Info Europe and the Open Society Program on Independent Journalism*. Retrieved from: [http://www.research.ed.ac.uk/portal/files/18780552/Craufurd\\_Smith\\_Stolte\\_Transparency\\_of\\_Media\\_Ownership\\_in\\_the\\_EU\\_24sep2014.pdf](http://www.research.ed.ac.uk/portal/files/18780552/Craufurd_Smith_Stolte_Transparency_of_Media_Ownership_in_the_EU_24sep2014.pdf) (last accessed on 30/12/2016)

37 Based on the reply given by the Greek country team to MPM Variable 60, referring to the 2015 report produced by the Greek regulator.



## HORIZONTAL CONCENTRATION OF MEDIA OWNERSHIP

Horizontal (also referred to as ‘monomedia’) concentration of ownership mirrors the level of control that may be exercised by (one or a few) media owners in a specific sector (e.g., the position held by a corporation providing retail broadcasting services in the audiovisual market concerned).

The indicator on Media ownership concentration (horizontal) is divided into sets of variables that seek to evaluate concentration of ownership in three sectors, namely audiovisual, radio, and newspaper publishing. It is worth making two remarks regarding the chosen sectors. First, as regards audiovisual media, the Monitor adopts the definition that is laid down in the Audiovisual Media Services Directive. In other words, the variables concerned cover both linear and non-linear audiovisual services.<sup>38</sup> This approach is intended to reflect technological developments that have been dramatically altering traditional broadcasting markets (and the regulatory environment). Second, the sectors that have been selected represent the media in which Europeans demonstrate the most trust (European Commission, 2015a).

Moving to a more detailed description of the Market Plurality area, six questions are posed with a view to assessing horizontal concentration of ownership in each sector. The first variable relates to establishing whether the country under examination has enacted any rules in order to prevent horizontal concentration in the sector concerned. These rules (where they exist) vary from country to country; for example, certain states limit the number of licenses that a media organization may hold, whereas other states set market (or audience) share thresholds that an individual media organization<sup>39</sup> or merged entity may not exceed. Given the diversity of regulatory models across the EU member states, this variable is drafted in broad terms in order to include all types of rules that are meant to address horizontal concentration.<sup>40</sup>

The remaining five variables are concerned with evaluating the effective implementation of ownership restrictions, introducing two layers of assessment. The first layer comprises three variables that seek to establish whether there is a supervisory authority that is entrusted with monitoring compliance with the rules, whether the authority in question has the power to impose sanctions in cases of non-compliance, and whether the rules are effectively implemented. The second layer comprises two variables that attempt to establish the actual levels of concentration within the sector under scrutiny; these variables are based on the ‘four-firm (or Top4) Concentration Ratio’ (CR4), an index which has traditionally been used to measure market concentration and which is an indicator of the size of the four largest firms within a sector, compared with the performance of the entire sector. One variable seeks to establish the market shares that are held by the four largest firms, whereas the other variable seeks to establish the audience shares held by the four most popular firms in the sector under examination. Market shares are regularly used as an indication that allows competition and regulatory authorities to make preliminary evaluations of the market structure and of the relative importance of the various undertakings active on the market.<sup>41</sup> Audience concentration is intended to provide a useful insight into how the audience is distributed across the various media outlets that are available in the market, an aspect which is not necessarily captured by market shares.

As Figure 1.2.3 shows, none of the countries that we examined scored a low risk in Media ownership concentration (horizontal). More particularly, 19 countries score a high risk, and 11 a medium risk. In addition, the score of this indicator is the highest among all other indicators that are included in the Monitor.<sup>42</sup> It bears noting that the implementation of MPM2015 led to similar results (CMPF, 2016).

38 See Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) [2010] OJ L 332/27, Recital (11) and Article 1(1).

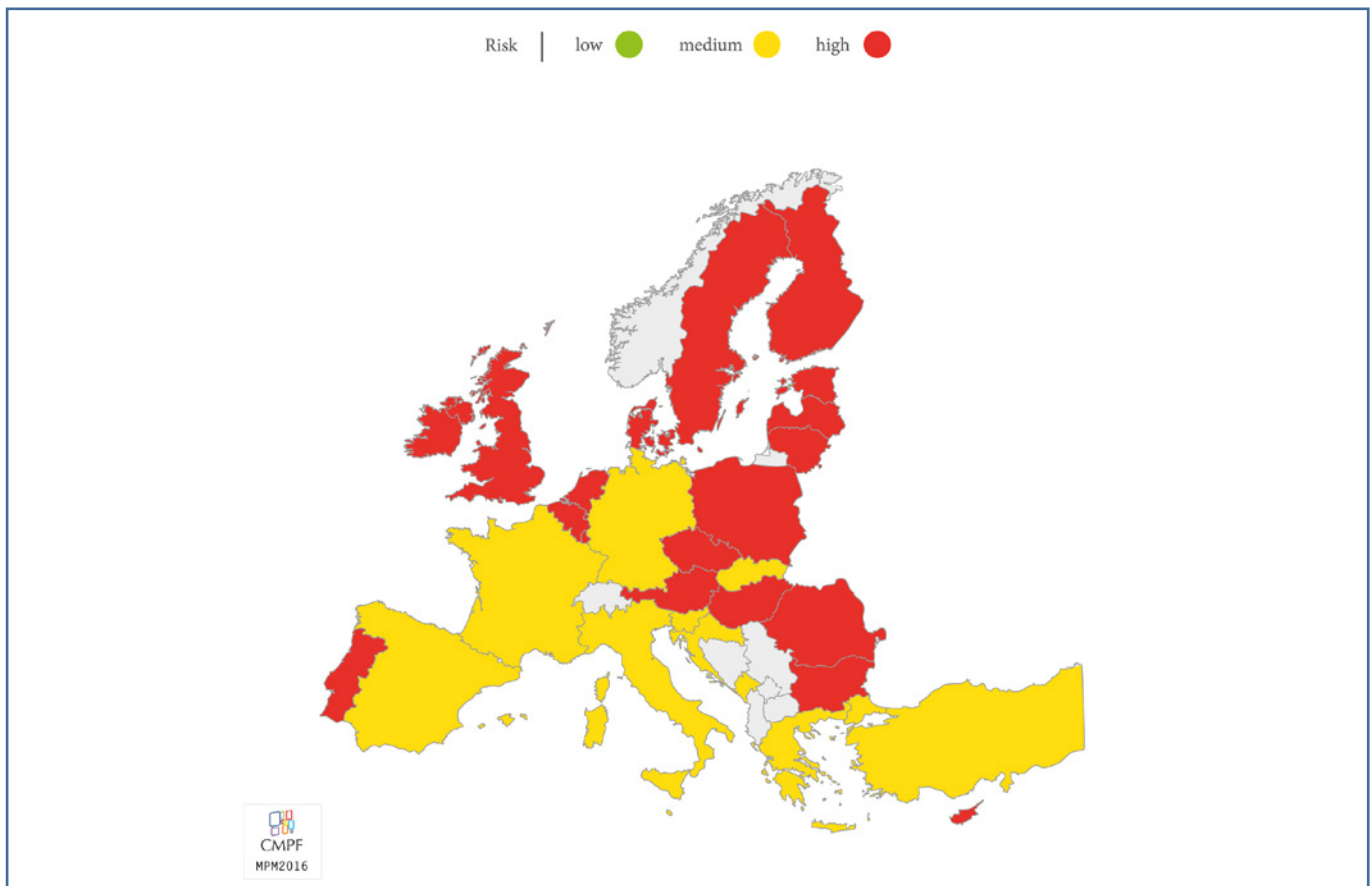
39 Note that this is a substantial difference between media regulation and competition law. In EU and national competition law, it is not a violation to acquire and hold a dominant position, but only the abuse thereof

40 For an overview of the different systems in the EU, see Valcke P. (2009). *From Ownership Regulation to Legal Indicators of Media Pluralism: Background, Typologies, and Methods*. Journal of Media Business Studies, 6(3), 19- 42, and the National Reports on the Implementation of MPM2015, which are available at: <http://monitor.cmpf.eu.eu/mpm2015/results/>

41 See, e.g., European Commission, *Guidance on the Commission's enforcement priorities in applying Article 82 of the EC Treaty to abusive exclusionary conduct by dominant undertakings* [2009] OJ C 45/2, Paragraph 13, and European Commission, *Guidelines on the assessment of horizontal mergers under the Council Regulation on the control of concentrations between undertakings* [2004] OJ C 31/3, Paragraph 14

42 In this round of the MPM, the implementation this indicator scored 71%

Figure 1.2.3. Media ownership concentration (horizontal) - Map of risks per country



These results raise concerns, but they are far from surprising. Media markets have a natural tendency to concentration, which is largely attributed to sector-specific economics. Characteristics that contribute to concentration include high entry barriers,<sup>43</sup> economies of scale, and the two-sided nature of advertising-based media, which often results in ‘winner-takes-all’ market structures. The susceptibility of media markets to consolidation is a widely studied topic and an industry characteristic that has been confirmed by several studies.<sup>44</sup> Another factor which has driven the concentration of media ownership, and which perhaps deserves more attention for the purposes of this report, is regulatory leniency. In addition to a tolerant approach to mergers and acquisitions in the media sector, the trend towards relaxation and/or abolition of ownership restrictions that may be observed in a number of countries (e.g., the UK, Spain, the Netherlands, etc.) has enabled large media groups to expand throughout the EU and to thereby solidify their presence in a number of media markets. The argument that media policymakers are increasingly putting forward to justify this change is that the proliferation of sources and content that citizens can now engage with resolves some of the problems originating from ownership concentration that were pervasive in the traditional media landscape.<sup>45</sup> However, based on the data submitted by the country teams, it appears that revenues and/or audiences continue to concentrate around very few providers, most notably around the long established companies which still occupy a central position in traditional media markets and which have successfully expanded into online markets.

Related to the above, in considering diverse regulatory and/or policy choices, potential or actual risks arising from ownership concentration should be considered against the background of the media environment concerned. For example, in small markets, “it is economically impossible for the advertising spend to sustain more than a few [providers]” (Commission Staff Working Document, 2007, p.8). In such cases, adopting (and monitoring the effective implementation of) measures that seek to promote content and exposure diversity and establishing impartiality

43 These include, for example, high sunk costs associated with the purchase of broadcasting licenses and/or the acquisition of premium content, monetary or psychological switching costs that audiences are reluctant to bear, etc.

44 See, e.g., Ward D., Fueg O.C. and D’Arma A. (2010). *Mapping Study of Media Concentration and Ownership in Ten European Countries*. Retrieved from: <http://77.87.161.246/wp-content/uploads/2013/08/A-Mapping-Study-of-Media-Concentration-and-Ownership-in-Ten-European-Countries.pdf>. See also Autorità per le garanzie nelle comunicazioni, Indagine conoscitiva sul settore della raccolta pubblicitaria (Allegato A alla delibera 551/12/CONS). Retrieved from: <http://www.agcom.it/documents/10179/1/document/bd184d98-cdcd-41e1-b141-9864dcfba8d6>

45 See, for instance, Commissariat voor de media (2011). *MEDIAMONITOR - The Dutch Media in 2010*. The Dutch media regulator notes in this report that “a wave of deregulation in ownership rules seems to go through Europe. This also applies to the Netherlands, where the Temporary Act Media Concentration was repealed from the 1st January 2011. *The increasing number of news sources is one of the reasons why concerns about media diversity gradually seem to move away from measures which aim to secure a minimal number of players in a market*” [emphasis added]

requirements may be more beneficial than stringent ownership restrictions (Ibid.). This is why the results of the Market Plurality area, in general, and the indicator for horizontal ownership, in particular, must be assessed alongside the other areas of the instrument that introduce variables to evaluate, *inter alia*, access to media by minorities, policies advancing media literacy, fair representation of political viewpoints in news programming and editorial independence.

## CROSS-MEDIA CONCENTRATION OF OWNERSHIP AND COMPETITION ENFORCEMENT

This indicator consists of three sub-indicators. The first seeks to assess risks to media pluralism that arise from cross-media concentration of ownership. Cross-media concentration reflects the level of control that may be exercised by one, or a few, media owners in a number of sectors within the industry (e.g., the position held by a media conglomerate in audiovisual and newspaper publishing markets).

The Monitor distinguishes between horizontal and cross-media concentration for two main reasons: firstly, the fact that media content is very expensive to create but fairly cheap to deliver incentivizes media companies to expand into the same *and/or* other (succeeding and/or preceding) levels of the supply chain (Doyle, 2002), because it gives them the opportunity to exploit large economies of scale. Large economies of scale stimulate both horizontal and cross-media concentration, for they enable firms to rationalize resources and reduce transaction costs. Hence, the distinction is intended to mirror sector-specific economics and how the actors of the national market that is under examination have reacted to the pressure to consolidate. Secondly, certain countries have enacted distinct rules with which to address both types of concentration (e.g., Austria, Croatia, etc.), other countries have adopted regulation that deals exclusively with horizontal concentration (e.g., Poland), and some countries have no specific rules to prevent media concentration (e.g., Finland, Lithuania, etc.). In the case of countries that have enacted rules to address both types of concentration (and to the extent that the rules in question are well-designed and effectively implemented), the risks to media pluralism are expected to be lower. In addition to sector-specific economics, the distinction also seeks to accommodate the diversity of regulatory models across the EU. As with the indicator on horizontal concentration, risks originating from cross-media concentration of ownership are assessed by reference to whether specific safeguards apply, the existence of a supervisory authority, the effective implementation of the safeguards in question, and the structure of the markets involved.

The other two sub-indicators seek to assess whether, and, if so, how, competition enforcement, that is, antitrust and merger control and safeguards to ensure proportionality of Public Service Media (PSM) funding, contribute to the enhancement of media pluralism. These sub-indicators form parts of the Monitor for the following two reasons. Firstly, as previously mentioned, in many countries where rules to prevent horizontal concentration apply, there are no specific safeguards against cross-media concentration. In these regulatory environments, only general competition law applies. Yet, even if a (merger) transaction and/or unilateral conduct do not raise competition concerns, they may raise concerns over media pluralism. In certain countries these concerns are addressed by subjecting the outcome of competition enforcement to pluralism-related considerations. For example, in certain cases, an authority/actor that is not structurally linked to the competition authority may intervene if a concentration that is acceptable on competition grounds is problematic for media pluralism. For instance, in Ireland, Part 4 of the 2014 Competition and Consumer Protection Act outlines a multi-stage process which, in addition to the Competition and Consumer Protection Commission, involves the Minister for Communications and, under certain circumstances, the Broadcasting Authority of Ireland (BAI). The process in question may lead to a prohibition decision on the grounds that the notified transaction harms media pluralism.<sup>46</sup> In other cases where sector-specific safeguards do not apply, competition authorities (e.g., Latvia, the Netherlands, Spain, etc.) reportedly take account of pluralism when adopting a decision that may affect media markets.

Secondly, the Political Independence area of the Monitor comprises variables that deal with Public Service Media (PSM). Moreover, the CR4 concentration ratio takes account of PSM organizations, which, in several cases, do not generate advertising revenues because they are mainly, if not exclusively, funded by public resources in order to serve objectives that are in the general interest. In view of the above, the inclusion into the Market Plurality area of variables concerning the proportionality of PSM funding sheds further light on issues that are associated with the role of PSM in the media system in which they operate. For example, risks arising from concentration of private media ownership may be mitigated if an independent and adequately funded PSM organization that is bound to provide a balanced and varied offer is among the most popular providers in a given media landscape. Examples of safeguards ensuring proportionality of PSM funding depend on the services offered by the organization(s) concerned and may include the development of commercial activities that are in line with market principles (e.g., keeping arm's length relations with commercial subsidiaries, undertaking commercial investments that are in line with the market economy investor

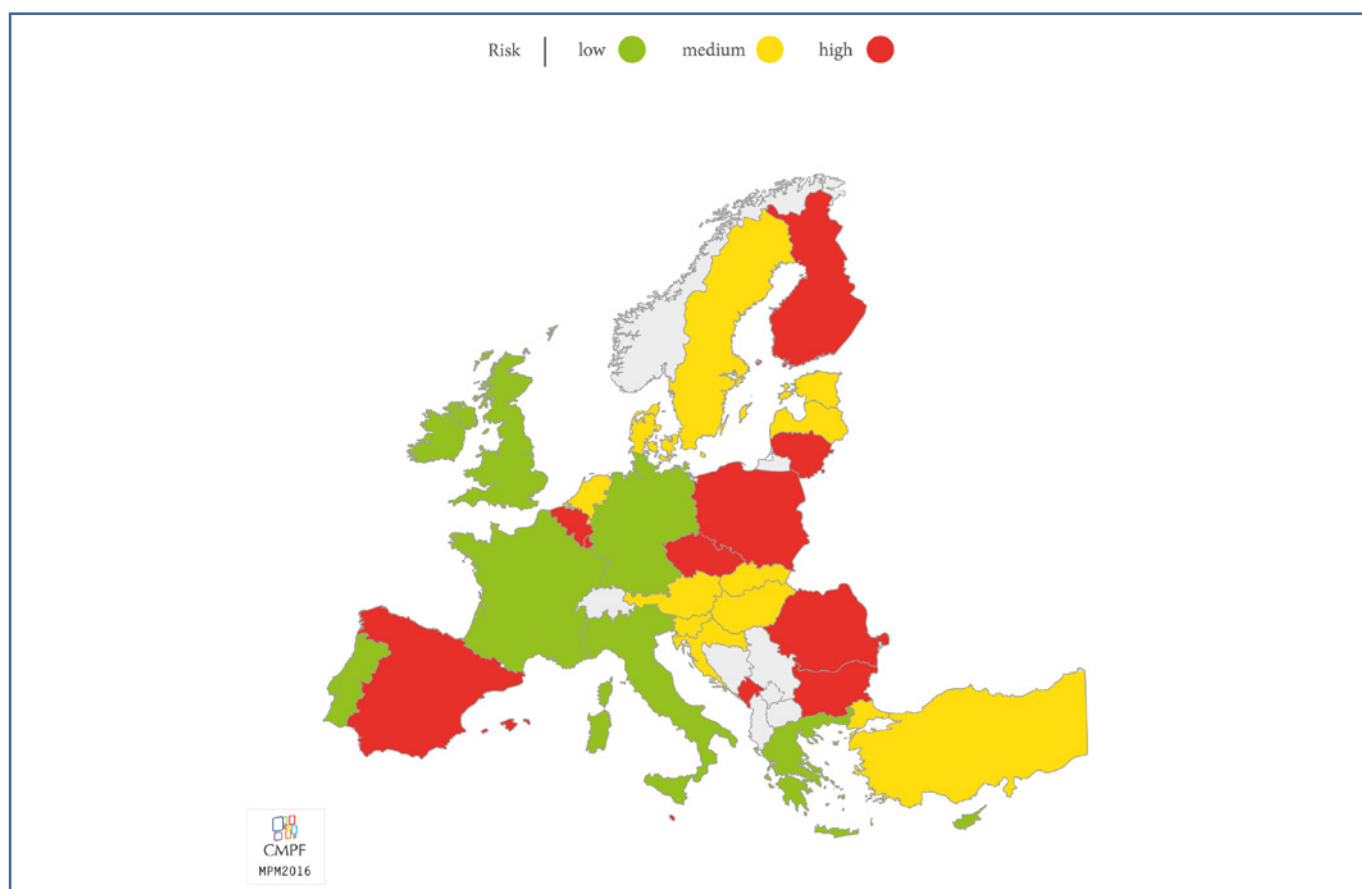
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46 The Irish Competition and Consumer Protection Act is available at: <http://www.irishstatutebook.ie/eli/2014/act/29/enacted/en/html>



principle, etc.),<sup>47</sup> and transparency obligations (e.g., the maintenance of separate accounts for public service and non-public service activities) in order to ensure that no cross-subsidization takes place.<sup>48</sup>

Figure 1.2.4. Cross-media concentration of ownership and competition enforcement - Map of risks per country



As Figure 1.2.4 shows, 11 countries, namely Belgium, the Czech Republic, Finland, Lithuania, Romania, Spain, Malta, Montenegro, Bulgaria, Luxembourg, Poland, scored high risk. 11 countries (the Netherlands, Hungary, Austria, Croatia, Slovakia, Slovenia, Denmark, Estonia, Latvia, Sweden, Turkey ) scored medium risk. The remaining 8 countries under consideration, that is, Ireland, Portugal, Greece, France, Italy, the United Kingdom, Germany and Cyprus, scored low risk.

Most countries that scored low risk<sup>49</sup> have established safeguards that seek to address concerns related to the issues falling under the aforementioned sub-indicators. For example, the German legislator has enacted specific rules to limit cross-media ownership concentration. More particularly, the Interstate Broadcasting Treaty Article 26(2) lays down that:

“[i]f the services attributable to an undertaking reach an annual average audience share of 30 per cent of all viewers, dominant power of opinion shall be assumed to [have been acquired]. The same applies for an audience share of 25 per cent if the undertaking holds a dominant position in a media-relevant related market.”<sup>50</sup>

For instance, in cases where a television broadcaster holds a dominant position in an upstream content production market, the threshold at which the firm is deemed to acquire significant opinion-forming power is lower. In such cases, the media organization in question may be required to divest assets as a means to reduce the influence it may exercise over audiences.<sup>51</sup> As regards competition enforcement, the Act on Restraints of Competition stipulates that firms

47 Communication on the application of State aid rules to public service broadcasting (the Broadcasting Communication) [2009] OJ C 257/1, paragraph 93

48 Ibid., Paragraphs 60 et seq.

49 For example, in Ireland, which scored 29%, there are rules that seek to ensure that media mergers are assessed on both competition and pluralism grounds, as well as rules that seek to ensure the proportionality of PSM funding. However, there is no regulation restricting the cross-media concentration of ownership

50 Interstate Treaty on Broadcasting and Telemedia. Available at: [http://www.die-medienanstalten.de/fileadmin/Download/Rechtsgrundlagen/Gesetze\\_aktuell/15\\_RStV\\_english\\_01-01-2013.pdf](http://www.die-medienanstalten.de/fileadmin/Download/Rechtsgrundlagen/Gesetze_aktuell/15_RStV_english_01-01-2013.pdf)

51 Ibid., Article 26(4)

active in newspaper and magazine publishing are subject to stricter merger notification requirements, if compared to firms operating in other sectors of the economy.<sup>52</sup> Furthermore, there are safeguards to ensure proportionality of PSM funding. For example, while German PSM are entitled to offer commercial services (e.g., merchandising, sponsorship, etc.), the Interstate Broadcasting Treaty lays down that such services must be provided by legally independent subsidiaries.<sup>53</sup>

Countries that scored a high or medium risk have not enacted rules to address concerns pertinent to at least two of the three sub-indicators that are examined above. For example, based on the information provided by the country teams, in most of the jurisdictions that were examined, there exist safeguards to ensure proportionality of PSM funding, however, no rules have been established to address cross-media concentration of ownership through either a sector-specific instrument or general competition law (e.g., Spain, Bulgaria, Romania, Finland, etc.). This regulatory reality may be particularly damaging to media pluralism because competition enforcement alone is usually insufficient to remedy concerns arising from the acquisition by a media firm of significant opinion-forming power.

Based on the data submitted by the country teams, regulatory environments where no cross-media ownership exist and competition enforcement does not take sufficient account of media pluralism, is prevalent across the EU Member States. With respect to the two candidate countries, namely Montenegro and Turkey, we make the following remarks: In Montenegro, rules exist that restrict cross-media concentration of ownership, but the legal system does not envisage sector-specific competition enforcement that would accommodate concerns relating to media pluralism. Moreover, based on information submitted by the country team, safeguards to ensure proportionality of PSM funding have been included in the draft amendments to the law regulating public broadcasting services (e.g., keeping separate accounts for public and commercial services to ensure that no cross-subsidization takes place), however, at the time of writing, these amendments have not been adopted by Parliament. In Turkey, measures to ensure proportionality of PSM funding do not currently apply. Moreover, rules to limit cross-media ownership have not been enacted, but related risks may be mitigated by sector-specific competition enforcement. It should be noted that the proportionality of PSM funding is strongly related to the EU *acquis* in the area of State aid control.<sup>54</sup> Montenegro, which is at an advanced stage of the accession process, has introduced the aforementioned amendments as part of its efforts to align aid schemes and measures with the State aid rules.<sup>55</sup> With respect to Turkey, negotiations on aligning national legislation with EU law relating to competition have not yet started.

## COMMERCIAL AND OWNER INFLUENCE OVER EDITORIAL CONTENT

Diversity of ownership is the dimension that has received the most attention (Valcke, 2011) in regulation that supports media pluralism across the European Union.<sup>56</sup> Ensuring that significant opinion-forming power is not concentrated in the hands of a few has been (or, at least until recently, was) a priority because of the presumed negative effects of concentration on media pluralism. To quote the European Commission, “*concentration of ownership [...] may result in a skewed public discourse where certain viewpoints are excluded or underrepresented*” (Commission Staff Working Document, 2007, p. 5).

Saying that every media concentration is always only harmful to pluralism is not accurate. Depending on the circumstances, a concentration may benefit media pluralism. For example, if a mainstream publisher acquires a niche publisher that is on the verge of bankruptcy, or headed for some serious financial difficulties, an outlet that offers alternative content survives (Bania, 2015). A merger between two local broadcasters may lead to the creation of a strong domestic player with a program offer that is different from the generic programming of competing multinational broadcasters (Bania, 2015). However, a concentration is most likely to have negative consequences for pluralism, for it increases the incentive to crowd out competing content suppliers. For example, a vertically integrated firm with

52 German Act against Restraints of Competition, Section 38. Another provision of the same instrument that is relevant here is Section 36, which provides that, in principle, a concentration which would significantly impede effective competition must be prohibited by the German competition authority, the Bundeskartellamt. However, a derogation applies if, despite the fact that the dominant position of a newspaper or magazine publisher acquiring a small or medium-sized newspaper or magazine publisher is strengthened, it is proven that the existence of the publisher that is acquired would be jeopardised without the concentration. The Act is available at: [http://www.gesetze-im-internet.de/englisch\\_gwb/](http://www.gesetze-im-internet.de/englisch_gwb/)

53 Interstate Treaty on Broadcasting and Telemedia, Article 16a(1)

54 The EU *acquis* in this area has been mainly developed through the European Commission's decisional practice in the field of State aid control. More particularly, the European Commission has imposed on State authorities across Europe in order to introduce into national legislation the safeguards to ensure proportionality of funding. For more information see Communication on the application of State aid rules to public service broadcasting (the Broadcasting Communication) [2009] OJ C 257/1. The list of the relevant decisions that the European Commission has adopted in this area is available at: [http://ec.europa.eu/competition/sectors/media/decisions\\_psb.pdf](http://ec.europa.eu/competition/sectors/media/decisions_psb.pdf)

55 See European Commission (2014). *Montenegro Progress Report*. Retrieved from: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key\\_documents/2014/20141008-montenegro-progress-report\\_en.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2014/20141008-montenegro-progress-report_en.pdf)

56 For an overview of the different systems, see Valcke, P. (2009). From Ownership Regulation to Legal Indicators of Media Pluralism: Background, Typologies, and Methods. *Journal of Media Business Studies* 6(3), 19-42

access to a valuable input is incentivized to foreclose other content providers, potentially harming supply diversity (Bania, 2015). An integrated media organization may also adversely affect content diversity, most notably through decisions relating to the use of the outlet's resources. For example, horizontally integrated newspapers tend to use the same content across all titles held in common ownership in order to reduce the costs incurred in the newsgathering process. (Doyle, 2002).

The above examples concern the impact of *individual* transactions on media pluralism. As regards the impact of *concentrated market structures*, there are studies that found that the more concentrated the sector, the less pluralistic the media landscape (Bania, 2015).<sup>57</sup> There are also studies that did not manage to identify a relationship between ownership concentration and media pluralism, especially content diversity, in *quantitative* terms (Bania, 2015).<sup>58</sup> However, even in the latter case, there are *qualitative* parameters, and, in particular, parameters that determine whether the power that stems from ownership is used to influence editorial content, which are key to understanding whether concentration harms pluralism. For example, do owners interfere with journalistic autonomy by making day-to-day editorial decisions or by creating a spirit of obedience in order to advance the commercial interests of the organization?

In view of the above, MPM2016 includes an indicator that seeks to assess the risks to media pluralism that arise from the qualitative dimension of ownership concentration, that is, commercial influence over editorial content. To this end, variables have been introduced to evaluate a given media landscape in the light of a number of practices that may undermine editorial freedom. More particularly, the indicator includes variables that assess, *inter alia*, the mechanisms granting social protection to journalists in cases where ownership and/or the editorial line change, laws prohibiting advertorials, regulation<sup>59</sup> stipulating the obligation of journalists and/or media outlets not to be influenced by commercial interests and, more generally, whether the media in the landscape concerned are governed by practices through which commercial interests dictate editorial decisions.

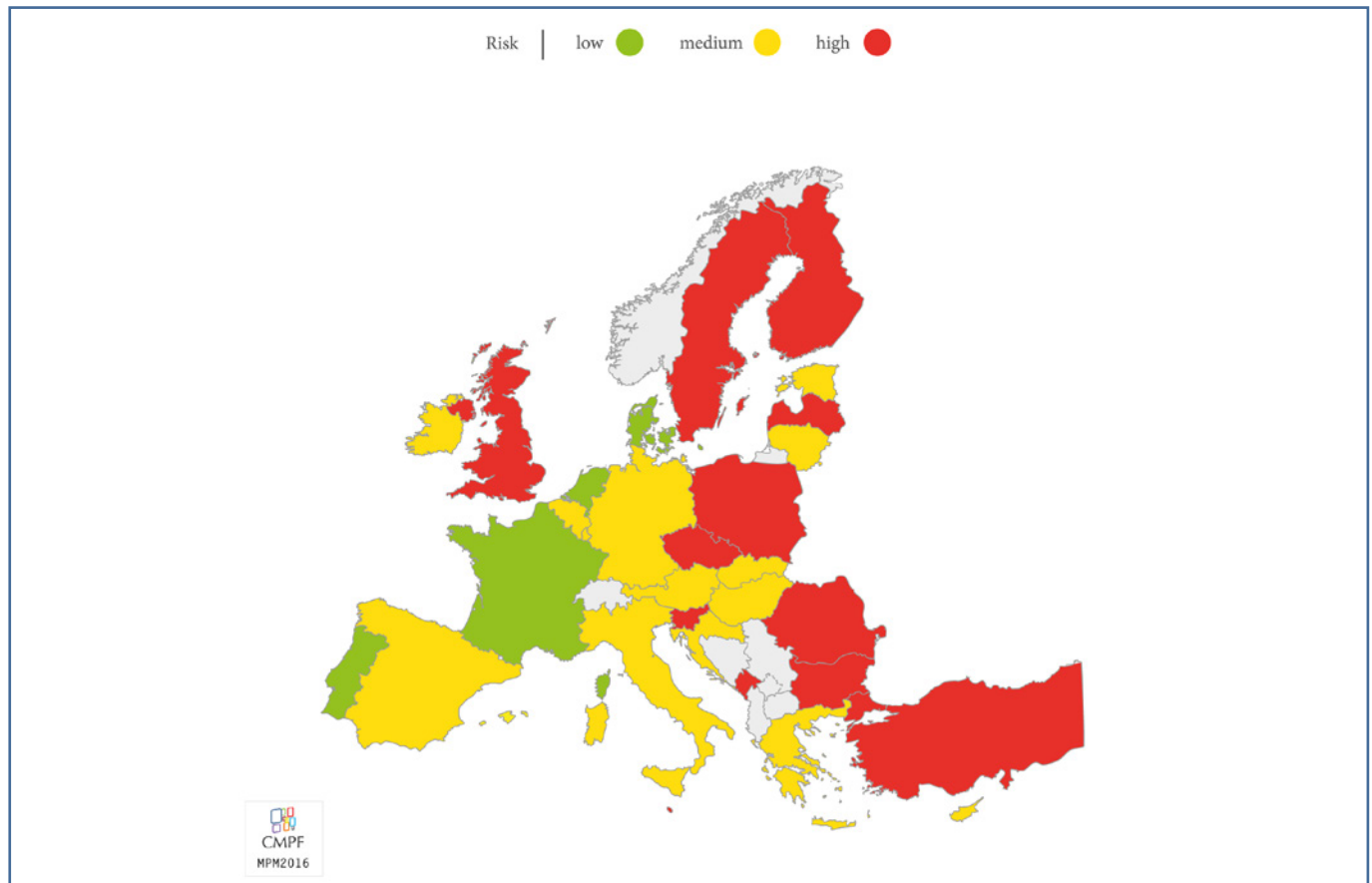
Based on the data submitted by the country teams, 12 countries scored a high risk (Bulgaria, the United Kingdom, Latvia, Slovenia, Montenegro, Malta, Romania, Turkey, Poland, the Czech Republic, Finland, Sweden), 14 a medium risk (Belgium, Croatia, Spain, Greece, Lithuania, Luxembourg, Hungary, Ireland, Slovakia, Estonia, Cyprus, Germany, Austria and Italy), and four a low risk (Denmark, France, Portugal and the Netherlands) (see Figure 1.2.5).

57 Referring to Humphreys, P. (1996). *Mass media and media policy in Western Europe*. Manchester: Manchester University Press; Einstein, M. (2002). *Media Diversity: Economics, Ownership, and the FCC*. New York: Routledge, and La Porte Alfaro, M. T. and Teresa Sabada (2001). *Globalization of the Media Industry and Possible Threats to Cultural Diversity – A Study prepared for the European Parliament*. Final Study. Working document for the STOA Panel

58 Berry, S. and Joel Waldfogel (2001). Do mergers increase product variety? Evidence from radio broadcasting. *Quarterly Journal of Economics*, 116, 1009-1025 and Ward, D. (2006). Final Report on the Study Commissioned by the MC-S-MD - The Assessment of Content Diversity in Newspapers and Television in the Context of Increasing Trends Towards Concentration of Media Markets, MC-S-MD (2006) 001, 4. Strasbourg: Council of Europe

59 This also includes self-regulation

Figure 1.2.5. Commercial and owner influence over editorial content - Map of risks per country



The reasons for which 12 countries scored a high risk are manifold, and they vary from one case study to another. For example, in Poland, the Press Act contains a provision that *binds* journalists to respect the editorial line of the title that employs them, and any form of action that infringes this provision may be deemed to be a violation of employee duties.<sup>60</sup> Contrary to Poland, Turkey has safeguards in place to ensure social protection for journalists in cases where there is a risk that their editorial freedom will be undermined. For example, Law no. 5953 on the Regulation of the Employment Relationships in the Journalistic Profession contains a conscience clause whereby journalists who decide to terminate their employment contract on the grounds that changes in the editorial direction of the publication have taken place are entitled to compensation. However, journalists are routinely employed under the provisions of general Labour Law, a practice which deprives them of the special rights granted to them by Law no. 5953.<sup>61</sup> It should also be noted that 40% of the countries under examination scored a high risk in the variable that assesses whether there is systematic influence or there are systematic attempts to influence editorial decisions and, by extension, content output; relevant practices range from appointing like-minded editors to promoting a culture of self-censorship so that audiences are not exposed to diverse viewpoints or inconvenient truths that would harm the commercial interests of the organization.<sup>62</sup>

A remark that needs to be made in relation to this indicator concerns the correlation (or lack thereof) between commercial influence and ownership concentration. Based on the information submitted by the country teams, there are countries which scored a high risk in the indicator assessing Media ownership concentration (horizontal) as well as a high risk in the indicator evaluating Commercial and owner influence over editorial content (e.g., Bulgaria and the UK). In such cases, it is submitted that the legislator and the industry need to consider setting standards to

<sup>60</sup> See Article 10. 2. and 3 of the Press Act of January 26, 1984

<sup>61</sup> Reply provided by the Turkish team, referring to Kurban, D. and Celen Sözeri (2012). Caught in the wheels of power: The Political, Legal and Economic Constraints on Independent Media and Freedom of the Press in Turkey, 54. Retrieved from: [http://tese.org.tr/wp-content/uploads/2015/11/Caught\\_In\\_The\\_Wheels\\_Of\\_Power\\_The\\_Political\\_Legal\\_And\\_Economic\\_Constraints\\_On\\_Independent\\_Media\\_And\\_Freedom.pdf](http://tese.org.tr/wp-content/uploads/2015/11/Caught_In_The_Wheels_Of_Power_The_Political_Legal_And_Economic_Constraints_On_Independent_Media_And_Freedom.pdf) (last accessed on 29/12/2016)

<sup>62</sup> The above provisions, and/or practices, must be read against principles referred to in the European Parliament Resolution of 21 May 2013 on an EU Charter on standard settings for media freedom across the EU [2016] OJ C 55/5. For example, the resolution lays down that 'journalists should be free from the pressure of owners, managers and governments, as well as from financial threats', and underlines the importance of ensuring the independence of journalists, both from internal pressures from editors, publishers or owners, and, externally, from political or economic lobbies or other interest groups. Retrieved from: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52013IP0203> (last accessed on 29/12/2016)

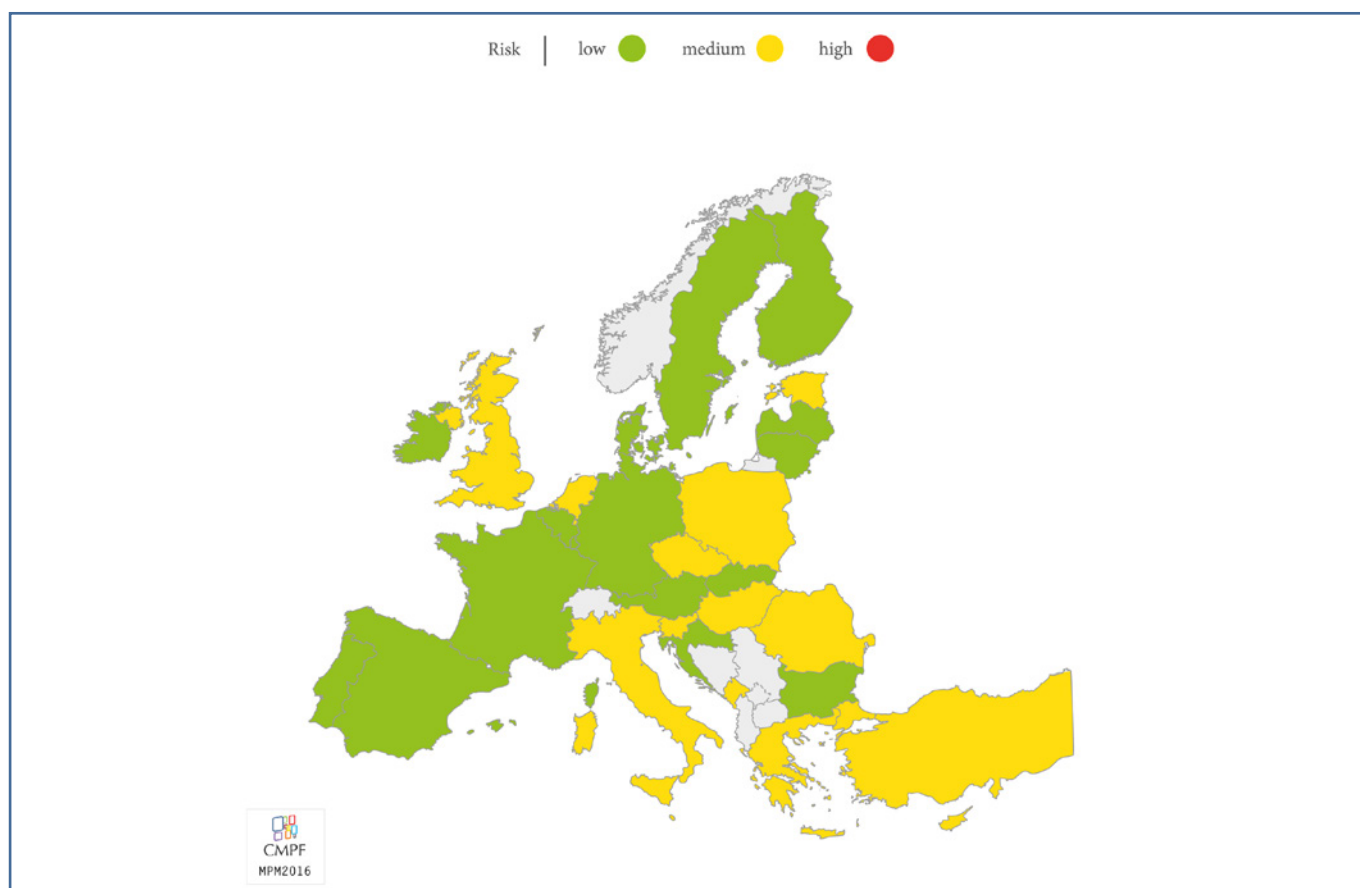
mitigate risks to media pluralism, for the results reflect that there is no effective framework in place to address either the quantitative or the qualitative dimensions of ownership concentration. Other countries, such as Denmark and the Netherlands, scored a high risk in horizontal concentration but a low risk in commercial influence. This indicates that the country and/or the industry acknowledge that media markets have a tendency to concentration and, while ownership restrictions may not apply, they have taken action to address concerns that may arise as a consequence of acquiring significant opinion-forming power.

## MEDIA VIABILITY

As previously mentioned, policy and regulation that aim to address risks to media pluralism largely depend on the specific characteristics of the market concerned. That is to say, one size does not fit all. In view of this particularity, MPM2016 has introduced an indicator which seeks to assess the viability of the media landscape being examined. Drawing from relevant work undertaken by UNESCO, the rationale for this indicator is that “*domestic [...] conditions must provide a supportive environment for the emergence, development, and continuance of [...] media, and [that] the organizations themselves must act in ways that promote their survival*”.<sup>63</sup>

Assessing media viability is a complex endeavour that involves an analysis of the broader economic, social and political environments in which media organizations operate.<sup>64</sup> The Monitor attempts to grasp certain parameters that determine media sustainability, with a focus on market developments. More particularly, this indicator mainly assesses market revenue trends in four different sectors, namely, television, radio, newspaper publishing and online advertising.

Figure 1.2.6. Media viability - Map of risks per country



As shown in Figure 1.2.6, in the MPM2016 the indicator on Media viability does not score a high risk, but scores a medium risk in 14 countries and a low risk in 16 countries.

The sector that appears to have been affected the most over the past two years is newspaper publishing. More particularly, in the overwhelming majority of the markets examined, newspapers have been suffering a significant revenue decline in these past two years. This is largely attributed to advertisers preferring behavioural targeting, which

<sup>63</sup> [http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/IPDC/ipdc59\\_Media\\_viability\\_indicators.pdf](http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/IPDC/ipdc59_Media_viability_indicators.pdf), p. 2

<sup>64</sup> Ibid. See also <http://www.dw.com/en/the-long-term-sustainable-media-viable-media/a-18670796>



means that newspapers now have to compete with a much wider range of firms, including real estate, dating and job recruitment portals (Joint Research Center, 2012). Moreover, due to the vast amount of information that is currently available on the Internet for free, consumers are not willing to pay for online news content (ibid.). This revenue trend, which emerged in the late 1990s (ibid.), is particularly worrisome considering the important contribution that newspapers make to news dissemination. As Ofcom has so eloquently put it, newspapers “*provide space for opinion, in-depth analysis and a reflection on recent events [...] helping citizens understand issues*” (Ofcom, 2012, p.14). In addition to the role that newspapers play in shaping views on matters of common concern, the revenue losses that this sector has been experiencing must be considered against the fact that more than one third of Europeans continue to read the paper every day, or almost every day (European Commission, 2015a).

Online advertising is undoubtedly the area that has been performing the best, with most markets having documented an increase in revenues in this sector. Unfortunately, we may not draw any safe conclusions on the amount of advertising revenue that migrated from newspapers to advertising-based online content providers. This is partly linked to how the indicator for media viability is structured<sup>65</sup> and partly associated with the scarcity of information about the impact of online competition on newspaper publishing. Related to the above, a difficulty that is particularly acute in the effort to evaluate revenue trends is the lack of data that indicates how the sectors we examined performed. In many countries, regulators and statistical authorities alike do not engage in collecting relevant information. This is especially problematic, because it deprives policymakers of the ability to assess the viability of a given market and to ultimately decide whether concrete initiatives must be taken to support the affected sector.

The aforementioned variables sought to identify trends in the *total revenues* generated by companies operating in a given sector. By *total revenues* we mainly refer to revenues generated through traditional streams, including advertising revenues, revenues from newspaper circulation and revenues from the sale of media rights. Yet, the indicator for media viability also includes a variable that seeks to assess whether media companies operating in the market under examination are currently developing non-traditional revenue streams. The variable in question is essentially meant to evaluate whether media organizations attempt to address the challenges posed by digital technologies and the financial crisis by undertaking initiatives that would allow them to access alternative financial resources. According to the information submitted by the country teams, several projects are currently underway. For example, in Austria, numerous media firms are developing applications for tablets and smartphones. Moreover, to attract or consolidate readership, Austrian newspapers have introduced ‘package subscriptions’ for their print and digital editions. In Belgium, certain outlets have used crowdfunding in order to boost revenues. For instance, a French-language magazine has engaged in crowdfunding in order to support investigative journalism projects. In Bulgaria, the dailies *Stabdart* and *24 Chasa* and *Bulgaria On Air* have developed event management initiatives which generate sponsorship and advertising revenues. In the Czech Republic, certain outlets have introduced podcasts of their news stories. In Germany, the television broadcaster ProSiebenSat.1 has designed a ‘media for equity’ strategy through which businesses receive advertising space instead of cash for their stock. What the above examples illustrate is the diversity characterizing the initiatives that media firms across the EU have been developing in order to generate revenue through non-traditional streams, thereby eventually re-inventing themselves. However, we are not in the position to say with certainty whether the initiatives concerned have achieved their goal. This is attributed to the scarcity of information about the accrued benefits and the fact that it is relatively soon to draw any safe conclusions about their role in contributing to the creation of a viable business model.

65 The variables assess whether revenues in each of the four sectors examined have increased, without assessing whether a revenue decrease in one sector was the result of a revenue increase in another

## 1.3 ANALYSIS OF POLITICAL INDEPENDENCE

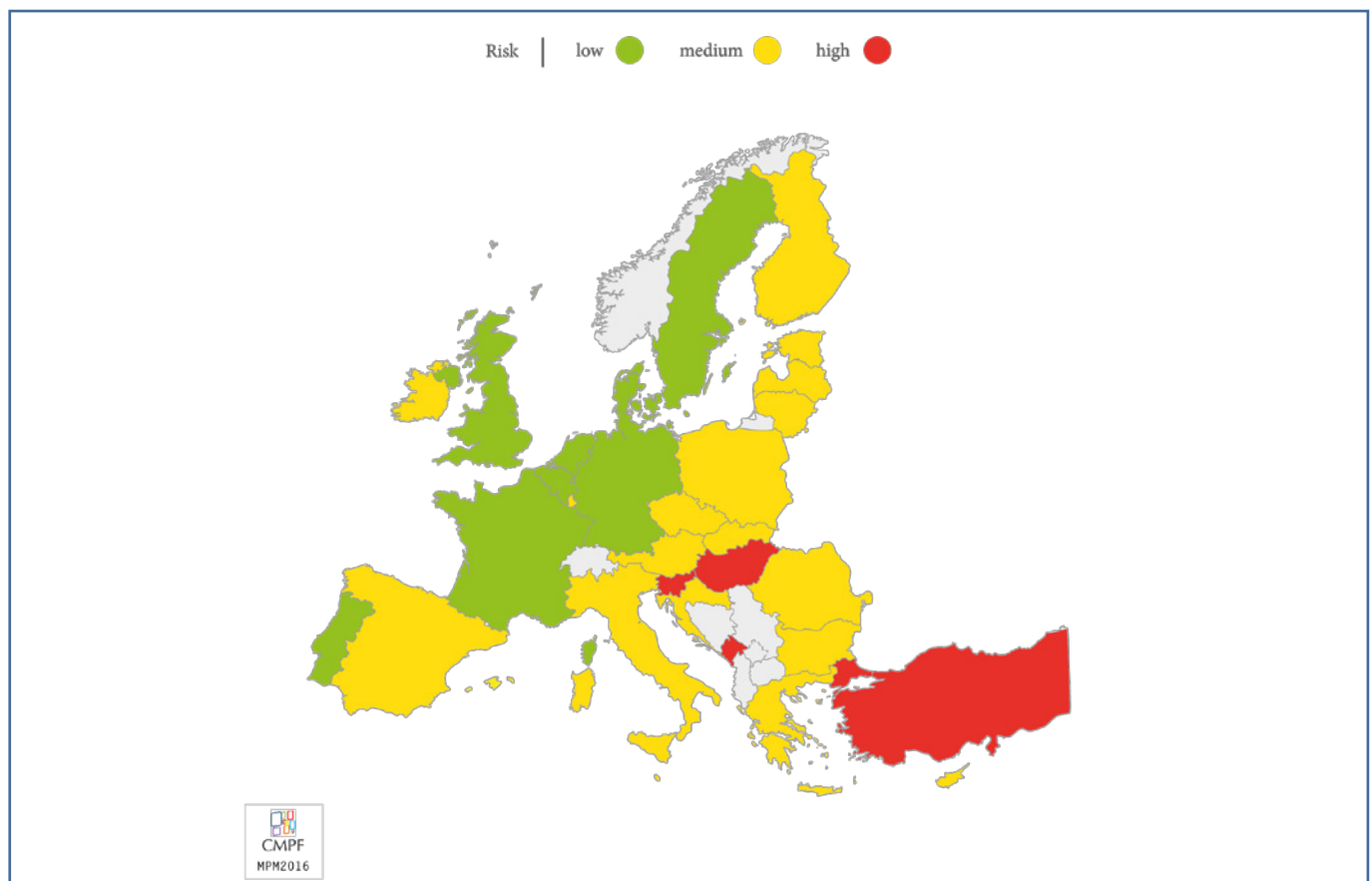
The area of Political Independence was designed to assess the risks of political interference on five different levels: on the level of media system, media organizations, newsroom, content and in particular in regard to public service media. Five indicators focus on examining the existence and effectiveness of regulatory safeguards against political bias and political control over media outlets, news agencies and distribution networks. They also concern with the existence and effectiveness of self-regulation in ensuring editorial independence. Moreover, they seek to evaluate the influence of state (and, more generally, of political power) over the functioning of the media market, and the independence of public service media.

Five indicators that are related to Political Independence are:

- Political control over media outlets
- Editorial autonomy
- Media and democratic electoral process
- State regulation of resources and support to media sector
- Independence of PSM governance and funding

The comparative analysis of the risks for political independence reveals that a vast majority of the countries examined score a medium risk in the area (namely eighteen, see Figure 1.3.1). Eight are at low risk (Sweden, France, Germany, Portugal, Belgium, Denmark, the Netherlands, and United Kingdom), and four are found to be at high risk from political influences over their media systems - two of which are EU member states (Hungary and Slovenia), and two are candidate countries (Montenegro and Turkey).

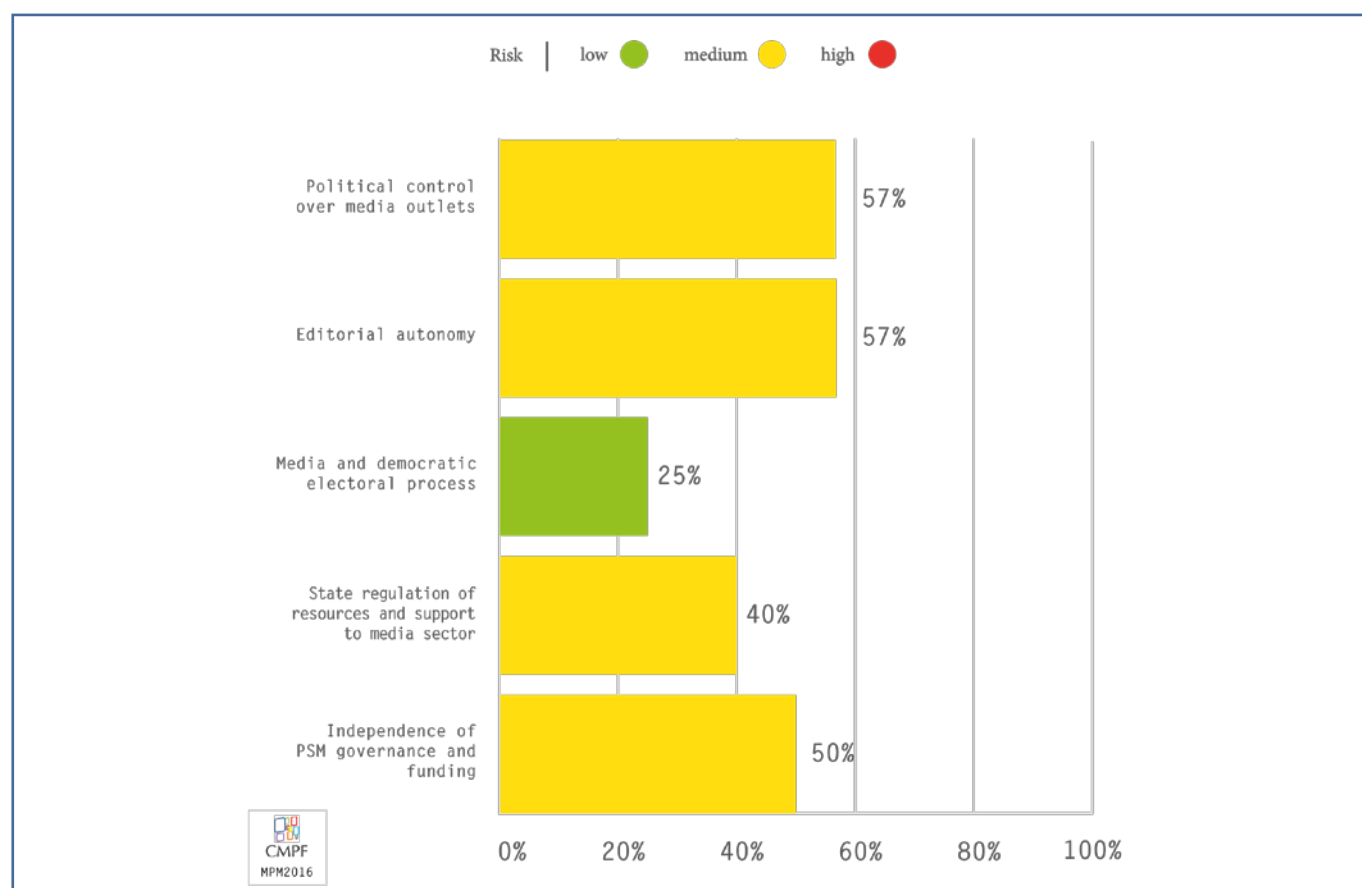
Figure 1.3.1. Political Independence area - Map of risks per country



Hungary is the only EU country that scores high risks for all five indicators within the area of Political Independence, with most concerns being related to the indicators on State regulation of resources and support to the media sector, and Independence of PSM governance and funding. For the two candidate countries, Montenegro and Turkey, political capture over media represents a strong burden on their way to ensure more independence and media freedom as an essential precondition of a healthy democracy. Particularly at risk are both media and journalists in Turkey where government already had a record of censoring or completely denying the access to social media sites,<sup>66</sup> but after the attempted military coup in July 2016, the state of emergency was declared, which then created the environment of oppression of media freedoms. Dozens of media outlets were shut down and, as of 21 November 2016,<sup>67</sup> at least 125 journalists were imprisoned with accusations of anti-state activity.

On the other side of the spectrum, there are four countries that score a low risk across all indicators of political independence: Belgium, Denmark, Portugal and Sweden. According to Hallin and Mancini's Three Models of Media and Politics (2004), Belgium, Denmark and Sweden belong to the Democratic Corporatist Model that is, among other things, characterized by strong professionalization and self-regulation of journalism. Evidence emerging from the Monitor confirms efficiency of self-regulation in these countries, which then serves as a shield to protect media and journalism from undue political influence. Similar as in the last year's pilot Monitor (MPM2015), Portugal was again assessed as being at low risk from political influences. This is partly due to recent changes in media legislation (in 2014) that have de-politicised the appointment procedures for PSM. As indicated by the country team, this new legislation already shows improvements. Namely, despite a recent change of government the PSM administration appointed by CGI (Conselho Geral Independente - RTP's Independent General Council), during the previous government remains in power.

Figure 1.3.2. Political Independence area - Averages per indicator



As shown in Figure 1.3.2, in the area of Political Independence the highest concerns across examined countries are related with indicators on Political control over media outlets and Editorial autonomy, however, still in a medium risk band. The indicator Independence of PSM governance and funding on average also scores a medium risk, mainly due to the fact that many countries reported lack of safeguards to ensure autonomy and political independence in the appointments of managing and board functions of public service media. Another source of risk, on average medium, is the allocation of state subsidies and state advertising if there are no fair and transparent rules, or no rules at all.

66 See for example: <http://www.bbc.com/news/world-europe-32204177>

67 Reported by the country team. For more information, please see Inceoglu et al. (2017)



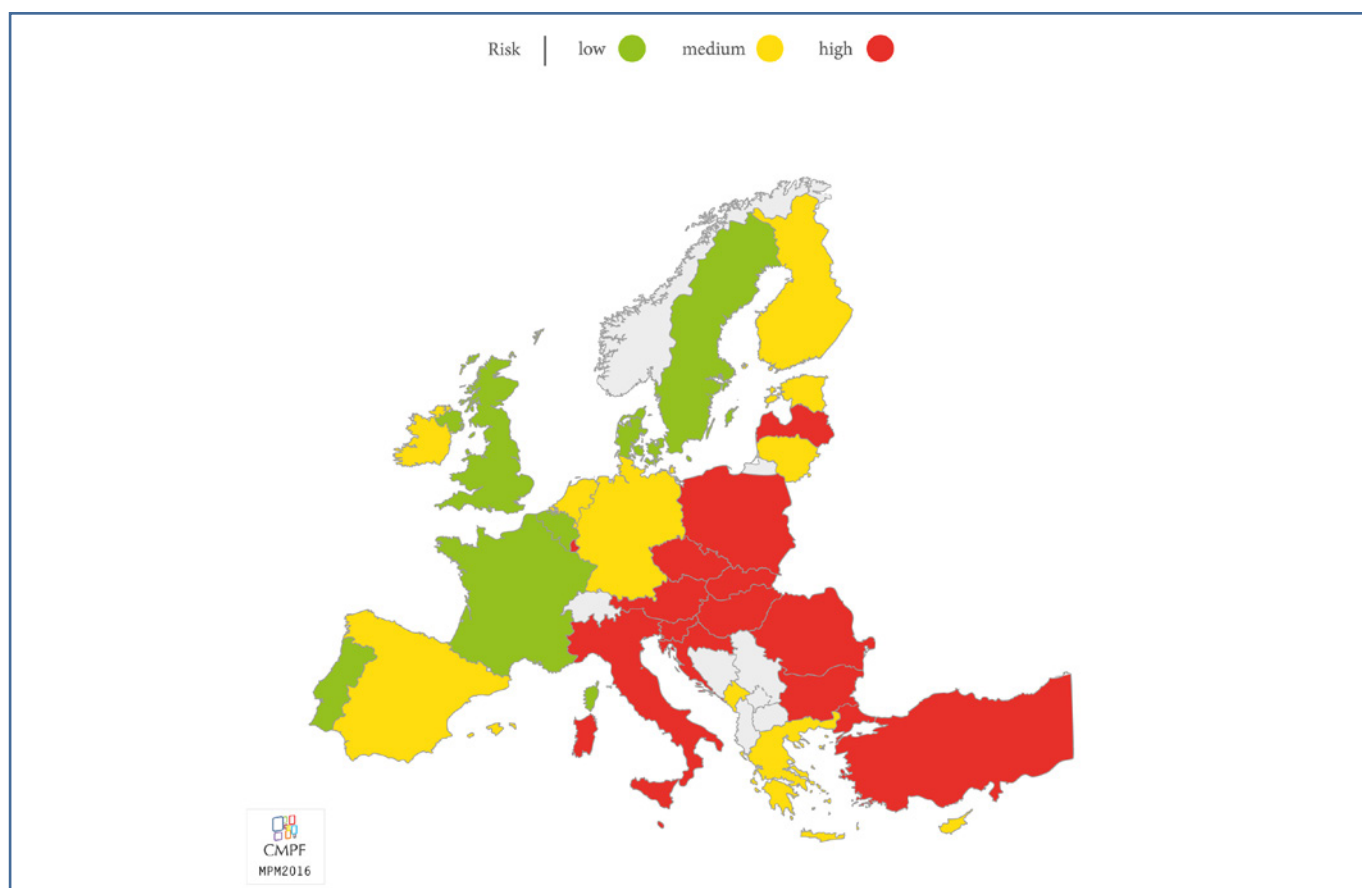
This issue is captured within the indicator on State regulation of resources and support to media sector. And, finally, the only indicator that on average scores a low risk across 30 European countries is Media and democratic electoral process. Low risk in this case reflects the situation in which most countries have a specific regulation that imposes rules on fair representation of political viewpoints in news and informative programmes on PSM channels and services, in particular during electoral campaigns. However, one should keep in mind that the existing legislation, in most cases, does not regulate campaigning activities online. Considering that social media are becoming a main source of news (Newman et al., 2016), future implementations of the MPM should take a closer look at electoral campaign practices in an online (social) media environment.

## POLITICAL CONTROL OVER MEDIA OUTLETS

This indicator assesses the availability and effective implementation of regulatory safeguards against control over media by politicians, taking into consideration the diversity of European media systems and cultural differences among observed countries. Hence, the composition of the MPM variables allows countries that have long lasting traditions of arm's length principle between media and politics to score lower levels of risk, even if they do not have specific legislation to prevent political control over media. The indicator consists of six sub-indicators: the first relates to the general rules on Conflict of interests, while the other five aim to capture Political control over audiovisual media, radio, newspapers, news agencies, and distribution networks. For the purpose of the MPM and this specific indicator, control is understood as broader than ownership and it includes both direct ownership and indirect control. Indirect control implies that parties, partisan groups or politicians are not directly involved in the ownership structure but they exercise their power through intermediaries (e.g. family members). The conflict of interests is defined as an incompatibility of government office with media ownership (Djankov et al., 2003). The MPM, therefore, takes into consideration the existence of rules that prohibit media proprietors from holding government office, as well as the situation in practice. According to the public choice theory, a situation in which the media ownership is related to government, which manages many resources important for media, might undermine both democracy and markets (Dajnkov et al. 2003). At the same time, public interest theory sees information as a public good that should be available to everyone, and the government is assumed to be a neutral arbiter if private media outlets serve mainly commercial or political interests (Dajnkov et al., 2003). Therefore, transparency of media ownership and availability of information on political affiliation of media owners is a key precondition to assess the extent of politicisation of control over media.<sup>68</sup>

68 ..... The transparency of media ownership and the rationale of its measurement are observed in more detail in the area of Market Plurality, Chapter 1.2.

Figure 1.3.3. Political control over media outlets - Map of risks per country



Overall, six countries are assessed as being at low risk from the Political control over media outlets, namely, Portugal, France, Belgium, Sweden, Denmark, and United Kingdom. Another ten are assessed as being at medium risk (Germany, Greece, Lithuania, Cyprus, Estonia, Ireland, Finland, the Netherlands, Montenegro and Spain), while the remaining 14 score a high risk. Very often risks emerge from the lack of transparency of media ownership.<sup>69</sup> If the public is not aware of who owns the media, it is also unclear whether or not this person/organisation has a political affiliation or agenda. Because of the deficiency of evidence this indicator relies to a large extent on the Group of Experts procedure.<sup>70</sup> Namely, four variables that assess the extent of political control over media in practice, employ the peer review procedure to maximize the accuracy of evaluations.

As already mentioned above, this indicator consists of six sub-indicators, with the one on Political control over newspapers being the most at risk (on average across countries: 65% - medium risk). The reason for this lies primarily in the absence of regulation that contains limitations to direct and indirect control of newspapers by party, partisan group or politicians. Whether press should be regulated is a matter of long lasting debate, since, somehow, there is a contradiction in regulating an institution that is supposed to serve as watchdog of political powers in a democratic society. Data collected through the MPM show that a large majority of countries in Europe do not have legislation that seeks to prevent excessive control of newspapers by politicians (26 out of 30), and more than half of countries (16) reported the existence of some level of political control. For example, the most obvious conflict of interest in the Czech Republic is currently the case of the Deputy Prime Minister Andrej Babiš, whose conglomerate holding company Agrofert owns several significant Czech media, including two quality newspapers (Štětka et al., 2017). In Latvia, while noting that the largest part of leading newspapers are controlled by politicians or the individuals that are linked with them, the country team also observed the multiplication of free newspapers issued by the local governments, which then attempt to represent the interests of the local politicians. Considering that Latvia is a small market, the interference of local governments decreases the business opportunities for the independent local media outlets and sets the limits of the availability of a free press for the local media audiences.

The sub-indicator that scores the second highest risk addresses news agencies (on average across countries: 59% - medium risk). According to the MPM methodology, if at least one of the leading news agencies in a country is owned and/or funded by the state, the risk is medium or high. It may be independent in practice at the time of assessment, but the MPM tries to capture potential threats and risks, which do exist if the agency is controlled by

<sup>69</sup> See Chapter 1.2 of this Report

<sup>70</sup> For more information on the Group of Experts procedure see the Methodology part.

the state and there are no other mechanisms to mitigate that influence. Countries that score the highest risks in this regard are Greece, Hungary, and Turkey. Greece joined the list of highest risk countries because of the government's influence over the only Greek-based national news agency: Athens-Macedonian News Agency. Organized as a public company, the agency is financed through the state budget and the Public Investments Programme. It is governed by the General Assembly composed of representatives of the two relevant Ministers and the government is also involved in the appointments procedures of the Management Board.

Political control over audiovisual media represents a medium or a high risk in more than two thirds of countries, including EU candidates Montenegro and Turkey that are in a high risk band, as well as Slovakia, Poland, Hungary, Croatia, Bulgaria, Austria, Slovenia, Romania, Malta, Latvia and Italy. The results mainly reflect the fact that most countries do not have legal safeguards against extensive direct or indirect political control over TV channels and services, but also the lack of regular monitoring and research on this topic. Such is the case with Austria. No TV or radio station is owned by a specific political group, and the share of newspapers owned by politically affiliated entities is below 0.5% (Seethaler et al., 2017). However, the country team noted that some owners may have political affiliations, but no research on this is available, and local experts have criticised the lack of clear independence of PSM from political entities. A specific case among the EU member states is Malta. In this Mediterranean island country major political parties own television and radio stations, as well as newspapers. Local experts, however, claim that this is more fair than the subtle political influence in other European countries and that the presence of both major parties contributes to external pluralism. It is believed that the audience is well aware of the bias in these media's content.

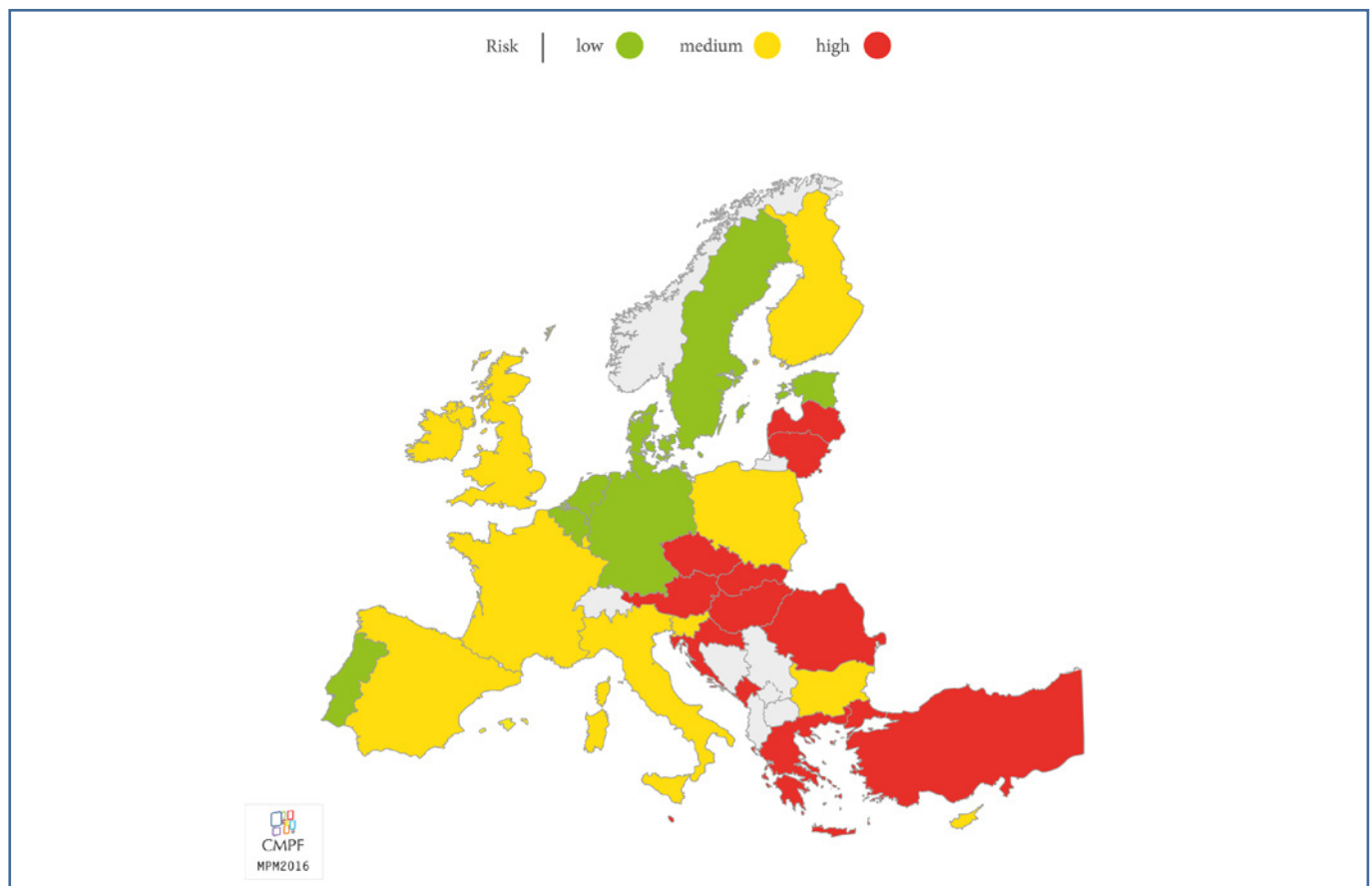
The analysis shows that radio and distribution networks are the least susceptible to political control.

## EDITORIAL AUTONOMY

The indicator on Editorial autonomy is designed to assess the existence and effectiveness of regulatory and self-regulatory measures that guarantee freedom from political interference in editorial decisions and content.<sup>71</sup> In order to exercise their social role as watchdog of society and provider of information that serves public interest and debate, journalists have to be able to act independently from undue influences. In this regard, effective self-regulation in the form of codes of conduct, codes of ethics or editorial statutes, is of particular importance, as well as the appointments and dismissal procedures of editors in chief. The importance of co- and self-regulation as a complement to the legislative and judicial and/or administrative mechanisms is emphasized in the Audiovisual Media Services Directive (2010). The pluralism of the media itself is not sufficient to ensure freedom of information if independence is not guaranteed. Therefore, the Council of Europe's Recommendation on media pluralism and diversity of media content (CM/Rec(2007)2) highlights that, while encouraging the media to supply the public with a diverse and inclusive media content, member states should also respect the principle of editorial independence.

71 .....  
Market Plurality area contains an indicator that aims to measure the risks of commercial influence over editorial content - Commercial and owner influence over editorial content

Figure 1.3.4. Editorial autonomy - Map of risks per country

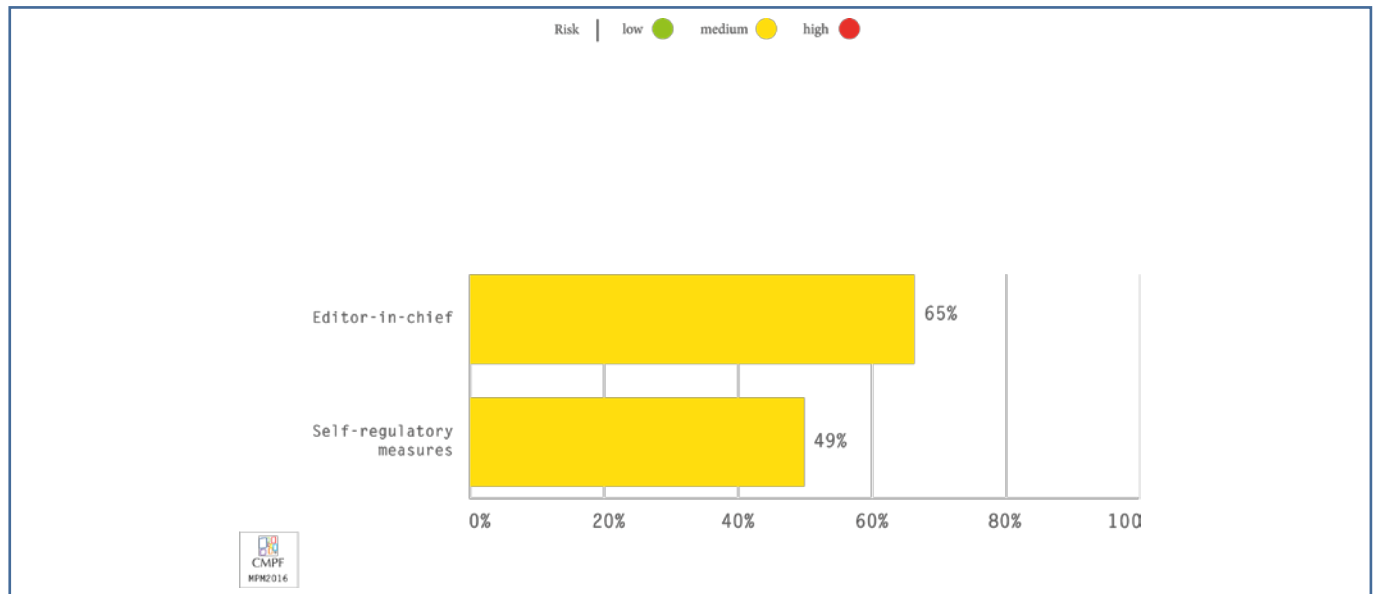


The results of the MPM2016 suggest that editorial autonomy is still at risk in most observed countries. This is one of the indicators that scores the highest risk, not only in the area of Political Independence but in the entire MPM.<sup>72</sup> A high risk score is recorded for 12 countries; 11 are in the medium risk band, and for seven countries Editorial autonomy is at low risk. The indicator is composed of two sub-indicators: one focusing on specific safeguards and practices related to the appointments and dismissals of editors-in-chief; and the other one capturing existence and effectiveness of self-regulatory measures, such as journalistic codes and codes of ethics, that stipulate editorial independence in both traditional and online news media. On average, the sub-indicator on Editor-in-chief is more at risk (see Figure 1.3.5) than the one on Self-regulatory measures. The former sub-indicator is a novelty of MPM2016, giving the special focus to a publication's editorial leader, responsible for editorial policies and operations, which makes her/him the first line of defence against political interference with editorial autonomy. The results show that a vast majority of countries have no common regulatory safeguards to guarantee autonomy when appointing and dismissing editors-in-chief. Exceptions are Portugal and Germany. Portuguese Television and On-demand Audiovisual Media Services Law (Law no. 27/2007, Article 35 on Editorial responsibility and autonomy 4,5,6) explicitly requires consultations with the editorial board prior to the appointment and dismissal of the persons responsible for the news content; and these posts are to be exercised with editorial autonomy. In Germany, the law (ZDF-Staatsvertrag, 2016) establishes an indirect control mechanism for PSM by reducing the political influence in the composition of the broadcasting boards and boards of administration, since these boards are taking part in decisions regarding the director (Intendant), who decides about appointing and dismissing the chief editors. By contrast, the media laws in Slovakia do not even mention editors-in-chief, and the country team noted that the interference is mainly in PSM. PSM is also highly at risk in Croatia where almost every change of government entails editorial changes and reassignments at the PSM (Croatian Radiotelevision - HRT), which was recently criticised also by the European Broadcasting Union.<sup>73</sup>

<sup>72</sup> Average scoring of the indicator on Editorial autonomy for all countries is 57%. The only indicator scoring higher is Media ownership concentration (horizontal) with 71% (Market Plurality). Commercial and owner influence over editorial content (Market Plurality) and Political control over media outlets (Political Independence) also score 57%.

<sup>73</sup> See: <https://www.ebu.ch/news/2016/08/ebu-urges-croatian-government-to-protect-the-independence-of-hrt>

Figure 1.3.5. Editorial Autonomy - Average scorings of sub-indicators



Leading news media in most observed countries have some form of self-regulation that emphasizes editorial independence. In Cyprus, for example, editorial independence is warranted by both regulatory and self-regulatory provisions. The Journalists' Code of Practice<sup>74</sup> defines the duties and rights of journalists. It was signed in 1997 by all audiovisual media, including PSM, publishers and the Journalists Union, while the Association of online media journalists joined in May 2016. This is the primary instrument of work of the Cyprus Media Complaints Commission, which is a media council, responsible for the self-regulation of all news media, both print and electronic. In Germany, as reported by the country team, the most important catalogue of self-regulatory measures is the German Press Code, established by the Presserat (German Press Council). Press associations commit themselves to the code's guidelines, among which editorial independence is a major obligation for all publishing platforms. Furthermore, leading media companies in the country have their own self-regulatory measures: ZDF has Employee code<sup>75</sup>; Deutschlandradio Journalistic self-conception<sup>76</sup>; Axel Springer (newspaper Bild) Guidelines for journalistic independence.<sup>77</sup> However, the existence of self-regulation does not guarantee its effective implementation. While the German country team has positively assessed effectiveness of the implementation of self-regulatory measures, the Cypriot team reported the lack of efficiency due to the weak sanctioning power of the Cyprus Media Complaints Commission that oversees compliance with the Journalists' Code of Practice.

In some countries, such as Greece and Austria, self-regulation at the level of media companies does not exist or does not encompass leading media organizations. In Austria, only TV and radio stations are obliged to have editorial statutes that guarantee editorial independence. All other media are allowed, but not required, to establish them. The three largest newspapers (Kronen Zeitung, Heute, Österreich) refrain from self-regulatory measures, and are not members of the Austrian Press Council. At the same time, these three newspapers are the main beneficiaries of state advertising spending, which, as reported by the country team, is usually considered as a means to influence media reporting (Seethaler et al., 2017). In Greece, broadcasters and the print media have not created their own self-regulatory systems through the formulation of collective codes of conduct nor through editorial guidelines at the level of single companies. "The lack of a formalised and effective industry-level system protecting editorial independence, combined with the interconnections between the political elites and media owners (which the term "diaploki" has been coined to describe) create space for potential direct and indirect political influence on editorial activity. In practice, however, the extent to which such influence takes place cannot be assessed due to limited available evidence", highlighted Kandyla and Psychogiopoulou (2017).

With regard to the editorial independence in practice, most countries (23) score either medium or high risk. Political interference in editorial autonomy is not systematically recorded and, hence, it is particularly difficult to measure the extent of this complex and nuanced issue. As many country teams have reported, apart from some exposed cases, it is very hard to know what is happening within the newsroom considering general lack of monitoring and in depth studies. Therefore, in order to ensure maximum level of objectivity, assessments provided by country teams underwent

74 See: [http://cmcc.org.cy/code\\_practice2.html](http://cmcc.org.cy/code_practice2.html)

75 See: <https://www.zdf.de/ZDF/zdfportal/blob/26890782/1/data.pdf>

76 See: <http://www.deutschlandradio.de/index.media.6d1324ff114ae9edff85a35f2a3e0cde.pdf>

77 See: [http://www.axelspringer.de/artikel/Leitlinien-der-journalistischen-Unabhaengigkeit-bei-Axel-Springer\\_40856.html](http://www.axelspringer.de/artikel/Leitlinien-der-journalistischen-Unabhaengigkeit-bei-Axel-Springer_40856.html)



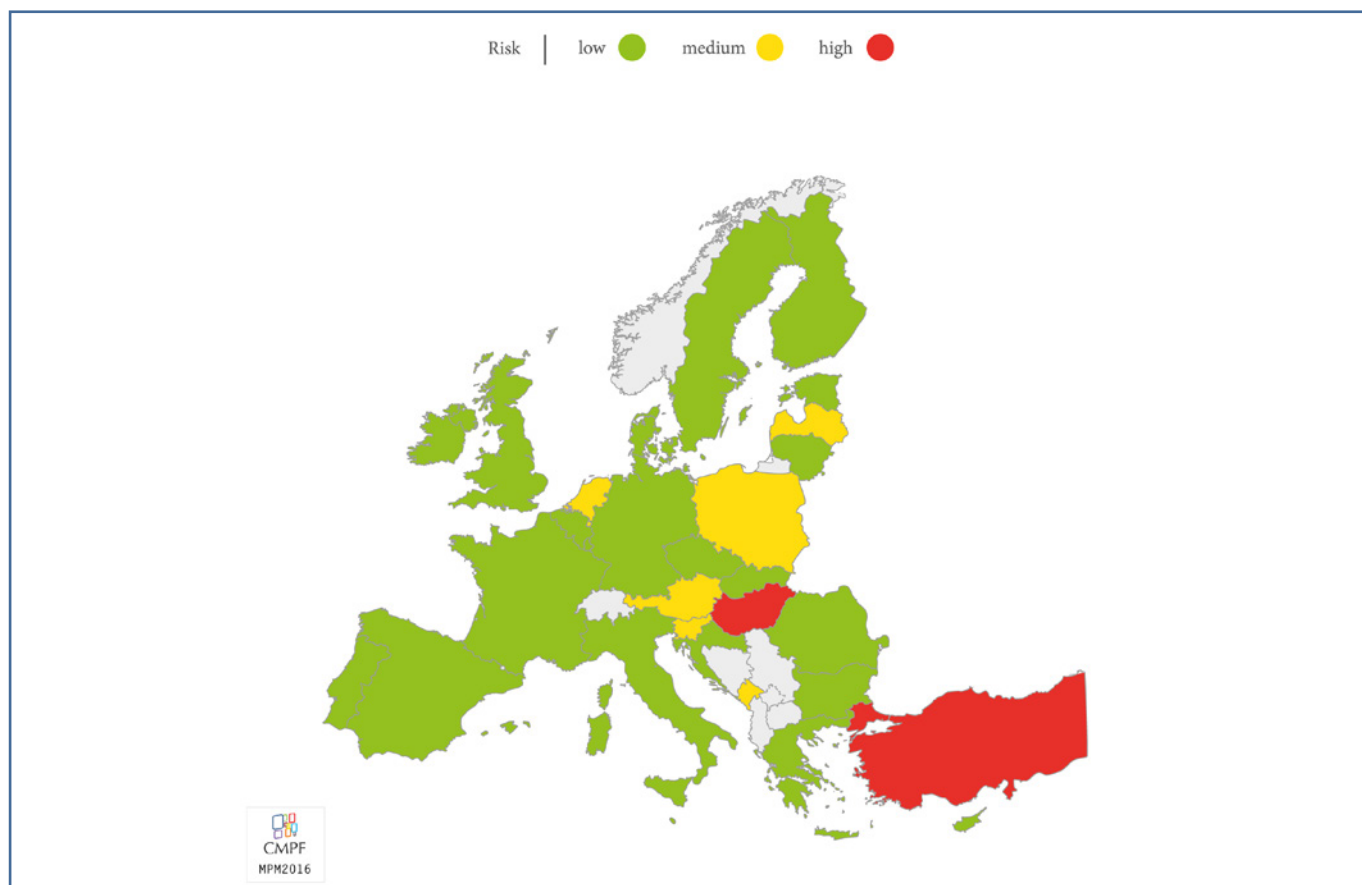
peer-review of a group of multi-level stakeholders in each of the monitored countries. In general, the existing evidence suggests that the most vulnerable news media are public media organisations that are still politicised in many European countries through the financing and appointment procedures (for more information, see the indicator on Independence of PSM governance and funding). This, however, does not mean that the newsrooms of private media are resistant to political pressures. In April 2016, several news media in Poland informed about the tape-recorded talk (that took place in 2014) between the leading Polish businessman and a member of the former governing party (Civic Platform) about a possibility to influence the German owner of the daily tabloid Fakt in order to change the daily's editor-in-chief, perceived as too critical of the government. Several weeks later, the Fakt's editor-in-chief stopped to work for the tabloid (Blikowska, 2016).

The lack of protection for editorial independence is particularly problematic in countries where a medium/high risk has been identified with regard to the extent of the politicisation of the media. For example, in Austria, Slovakia, Czech Republic, Romania, Hungary, Latvia, Malta and especially Turkey, the extent to which the media markets are politically affiliated has been assessed as being at medium/high risk, and the leading media do not have adequate self-regulatory measures to secure editorial independence. This places media in a very vulnerable position towards political influences.

## MEDIA AND DEMOCRATIC ELECTORAL PROCESS

The indicator Media and democratic electoral process assesses existence and implementation of regulatory and self-regulatory framework for the fair representation of different political actors and viewpoints on PSM and private channels, especially during the electoral campaign. The indicator also takes into consideration the regulation of political advertising, and its implementation in practice. The focus is on the risks from bias in the audiovisual media, as television remains the main source of news for citizens in the EU (Standard Eurobarometer 86). However, the future editions of the MPM tool should further take into account the continuous rise of the internet and online social networks as a source of news (SE 86), and as a more direct and less controlled channel for political propaganda.

Figure 1.3.6. Media and democratic electoral process - Map of risks per country





As regards audiovisual media bias, and especially during electoral campaign, a vast majority of countries score a low risk (22 out of 30). Six countries are found to be at medium risk (Austria, Poland, Slovenia, the Netherlands, Montenegro and Latvia), and two are at high risk (Hungary and Turkey). In Hungary, the Media Act specifies that PSM should provide fair, balanced and impartial representation of political viewpoints in news and informative programmes. In practice, however, since the system was restructured in 2010, the content of PSM has been marked by a demonstrable pro-Government bias: according to monitoring data by the media regulator (NMHH), Fidesz (major national conservative political party in Hungary) members of the Parliament and government officials are granted a majority of airtime on PSM channels compared to other parties/party officials (Brouillette et al., 2017). The other high risk country is Turkey. In this EU candidate country the regulatory framework stipulates that in news and informative programmes on PSM all political viewpoints existing in society should be represented in a fair manner. However, the law is not implemented effectively and, as reported by the country team, Turkish Radio and Television Corporation (TRT) is operated as the government's propaganda tool. This assessment was confirmed by four out of five additional country experts involved in the project as members of the Group of Expert procedure.<sup>78</sup>

Despite these two examples, the indicator Media and democratic electoral process obtains on average the lowest risk score across 30 European countries. This is mainly because there is a long tradition of regulating and monitoring the activities of audiovisual media during election cycles. The MPM2016 analysis has revealed that, in all but three countries (Hungary, Latvia and Montenegro), the law imposes rules to ensure fair representation of political viewpoints in news and informative programmes on PSM channels and services. Even though the overall risk is rather low, the rules on PSM impartiality are not always respected in practice. In Italy, an element of risk during the observation period was related to the over-representation of the now former<sup>79</sup> prime minister Matteo Renzi on PSM, but also on commercial channels. In the United Kingdom, overall, there is a fair representation of political actors on PSM, partly due to regulation that is in place. Nonetheless, there have been a few prominent issues of imbalance. For example, a recent study conducted by Cardiff University showed that the BBC's coverage of general elections in 2015 - along with other PSMs - very much mirrored the agenda set by the print media who predominantly adopted the Conservative party's agenda.<sup>80</sup>

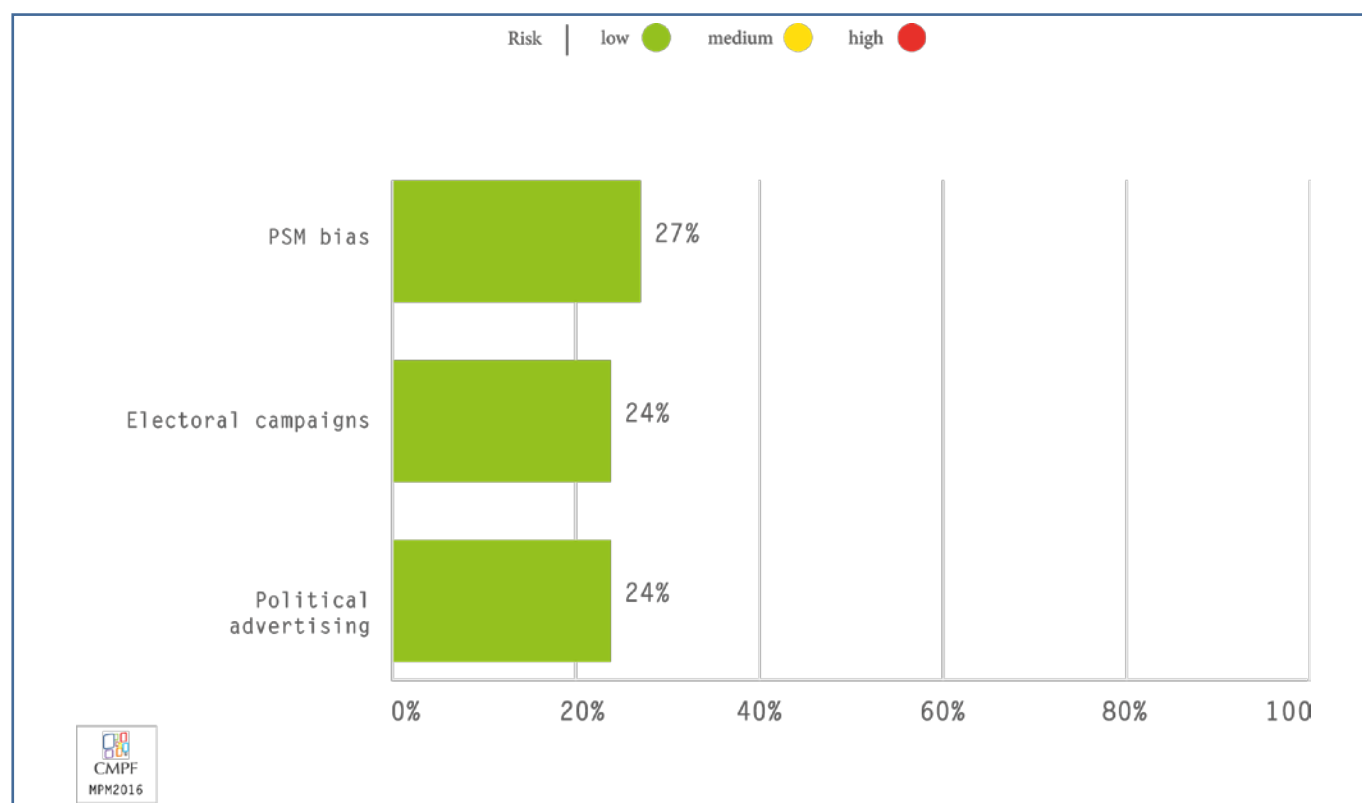
PSM bias, as a sub-indicator of Media and democratic electoral process, shows to be most at risk within the indicator on Media and democratic electoral process, however, still in a low risk band (see Figure 1.3.7). To a certain extent this is due to the more rigorous criteria and increased focus by both researchers and regulators on PSM, because of its special position in the media system. The scoring also reflects the fact that PSMs in 13 countries do not have self-regulatory instruments that guarantee impartiality and access for different political actors. However, this is mitigated by the fact that electoral campaigns on PSM are significantly regulated. At the same time, laws and/or self-regulatory measures that guarantee political actors' access to airtime on private channels and services are absent in more than a third of the countries (namely 11). This is reflected to a certain extent in practice: half of the countries observed score medium or high risk on fair representation of the different groups of political actors on private channels (which is almost twice as often than with PSM). As regards the sub-indicator on political advertising, most countries have regulatory safeguards to allow for equal opportunities and to prevent financially stronger political actors from obtaining a large amount of airtime for political advertising, especially during election periods. In some countries, such as, for instance, Austria, Finland, France, Greece and Ireland, political advertising in PSM is entirely banned during election campaigns.

78 For more information on the Group of Experts procedure please see the Methodology part of this Report.

79 Matteo Renzi resigned after the outcome of a referendum aiming at modifying the Constitution (5 December 2016).

80 See: [http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/our\\_work/breadth\\_opinion/content\\_analysis.pdf](http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/our_work/breadth_opinion/content_analysis.pdf)

Figure 1.3.7. Media and democratic electoral process - Average scorings of sub-indicators

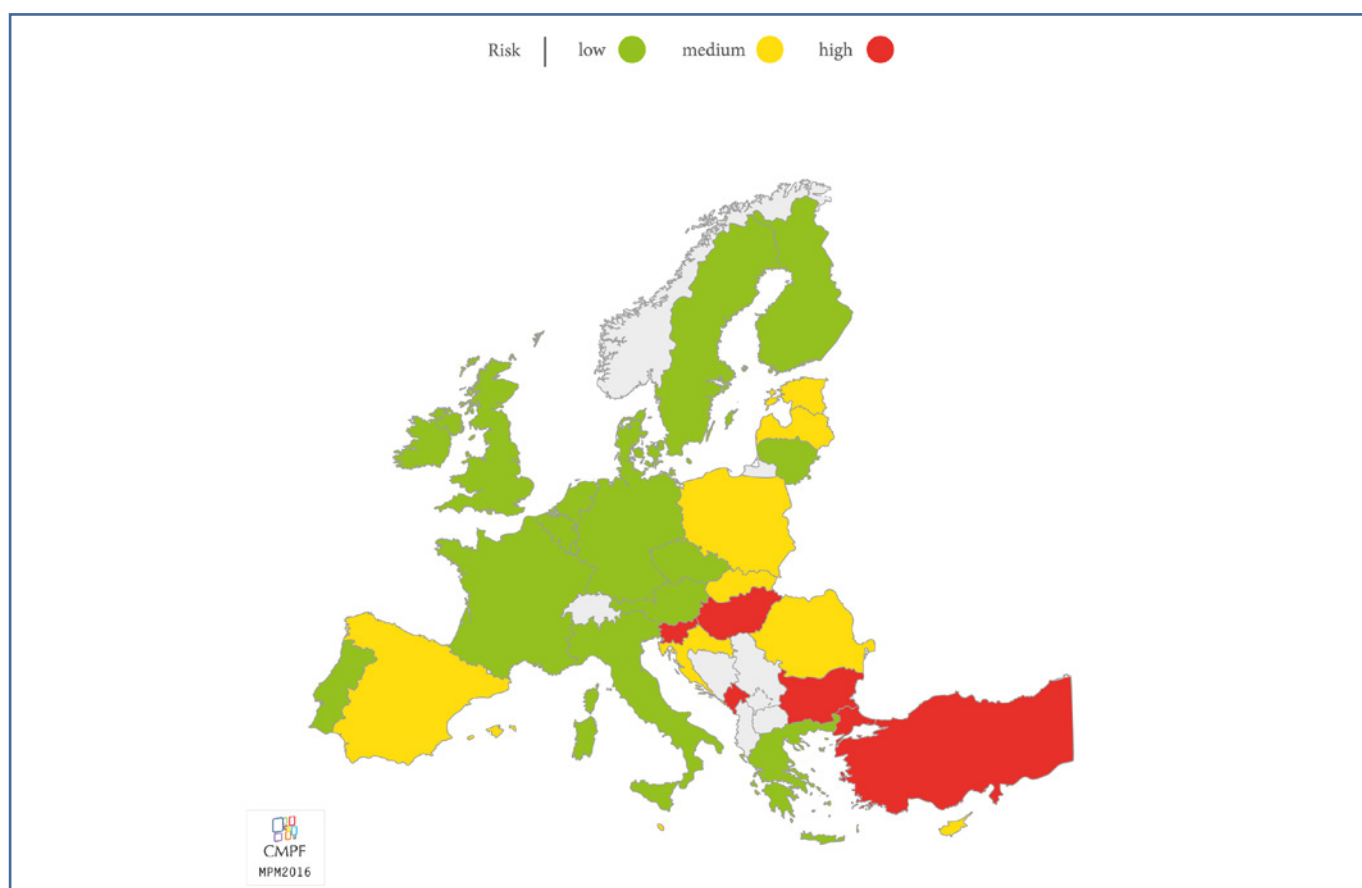


## STATE REGULATION OF RESOURCES AND SUPPORT TO MEDIA SECTOR

This indicator assesses the legal and practical situation in relation to the distribution of state managed resources to media. At the European Commission's 2016 Colloquium on Fundamental Rights, which focused on media pluralism and democracy, the transparency of media funding, as well as media independence from any political and financial pressure, was highlighted as essential to guarantee media freedom and pluralism.<sup>81</sup> In a situation where media organizations face economic difficulties caused by recent economic crisis and an ongoing technological disruption, financial support from the state can be crucial, especially for non-profit, community media and other less commercial forms of journalism. Therefore, it is of a particular importance that the fair and transparent rules on the distribution of state resources and support are in place, as well as that they are effectively implemented. Lack of clear and transparent rules might serve favouritism. Lack of available data on allocation in practice poses a risk of channelling money to specific media outlets in a biased/opaque manner.

81 See: [http://ec.europa.eu/newsroom/just/item-detail.cfm?item\\_id=31198](http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=31198)

Figure 1.3.8. State regulation of resources and support to media sector indicator - Map of risks per country

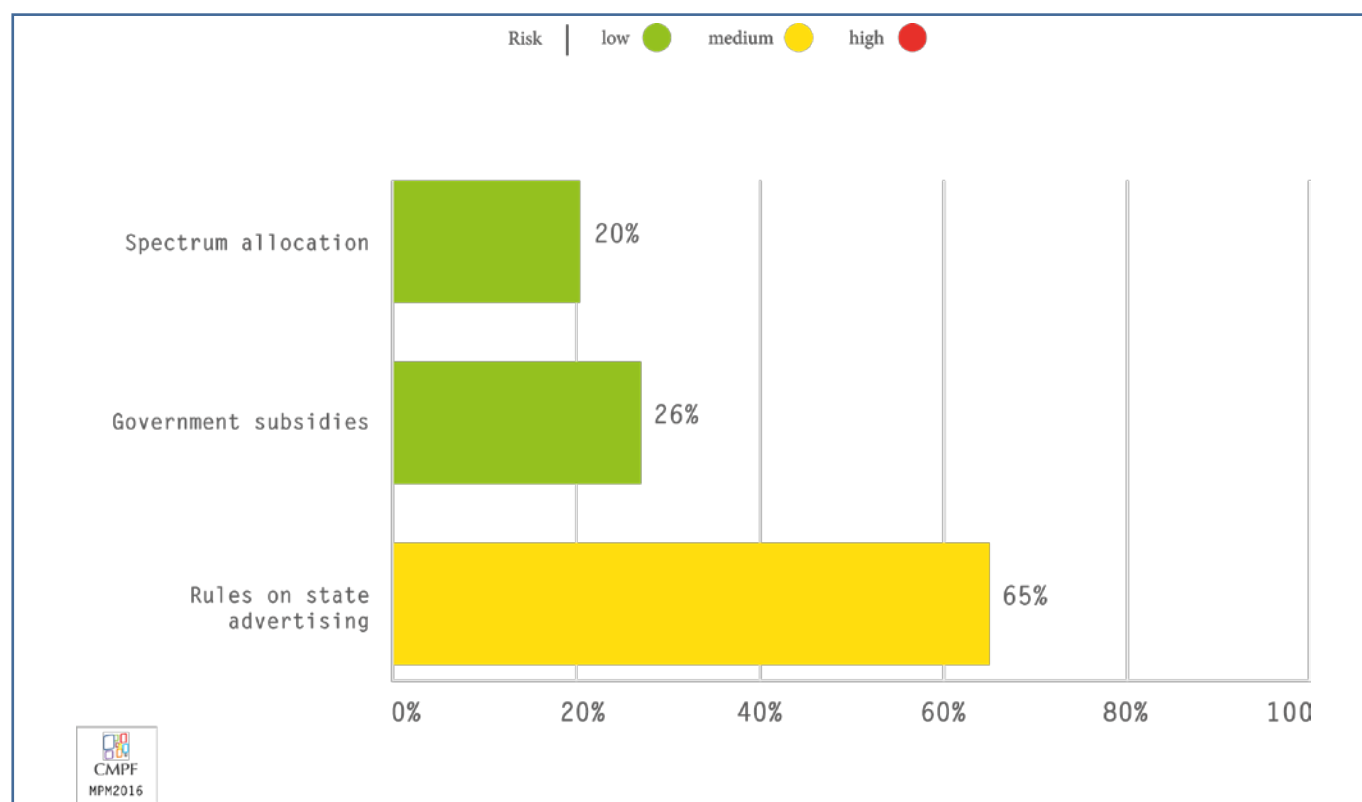


As shown in the map (Figure 1.3.8), most of the countries that score medium or high risk on this indicator are the new democracies: Slovenia, Montenegro, Bulgaria and Hungary score a high risk, with Estonia, Latvia, Poland, Slovakia, Croatia, and Romania being positioned in the medium risk band. In many countries, state supports media, but in these countries this is an issue of a particular concern for at least two reasons. First, media capture<sup>82</sup> is still largely present as a legacy of previous authoritarian rule. Second, liberalization and privatization of media in post-communist countries occurred, more or less recently, in parallel with democratic transition (CEDEM, 2012 and Wyka, 2010), which makes these young markets particularly sensitive to global technological disruption of media business model. In addition, in some of the countries concerned, the state still acts as one of the leading sources of financing for media. Therefore, the lack of fair regulation and transparency poses a risk of political influences. Other countries that score a medium risk in this regard are Cyprus, Spain and Malta, while Turkey is in the high risk band.

The indicator on State regulation of resources and support to media sector is composed of three sub-indicators: Spectrum allocation, Government subsidies, and Rules on state advertising. Both Spectrum allocation and Government subsidies, are a novelty of the MPM2016, introduced to capture emerging risks related with technological advancements and economic pressures. In the MPM2015, Rules on state advertising were assessed as an individual indicator. In order to achieve more equilibrium along the tool, this year's edition of the MPM considers this source of financing for media within a broader picture of the distribution of state managed resources to media.

82 "...a situation in which the media has not succeeded in becoming autonomous to manifest a will of its own and to exercise its main function, notably of informing people, but has persisted in an intermediate state, whereas various groups, not just the government, use it for other purposes." (Mungiu Pippidi, 2008, p. 91)

Figure 1.3.9. State regulation of resources and support to media sector indicator - Average scorings of sub-indicators



As shown in the Figure 1.3.9, the MPM2016 revealed that most risks within this indicator relate to state advertising, which, for the purpose of the MPM, is described as any advertising paid by governments (national, regional, local) and state-owned institutions and companies to media. Most countries (19) score a high risk because they lack the legislation to ensure fair and transparent rules on the distribution of state advertising to media outlets, and this is also reflected in practice through low transparency on the distribution criteria and beneficiaries. High risks in relation to state advertising are more present in new democracies than in other members of the EU. For example, in Slovenia there is no clear set of rules regarding the distribution of state advertising. Due to further privatisation of state owned companies in 2010s, the practice of non-transparent distribution of advertising has slightly decreased, as reported by the country team. However, the complete information on media which received state advertising is not available. In Bulgaria, there are also no regulatory safeguards for fair and transparent distribution of state advertising to media outlets. The actual practice of distribution of funds for state advertising is neither clearly motivated nor safeguarded against political pressure from government over the media. The lack of regulation and transparency in the allocation of state advertising is also a pressing issue in Hungary, where, in the last few years, the state became one of the biggest advertisers (Brouillette et al., 2017). As reported by the Hungarian country team, after the elections of 2014 the government established a new body for the allocation of advertising budget, the National Communication Bureau, which holds a EUR 80 million budget for media buying annually. This, however, did not help to increase fairness and transparency in the distribution of budget. Instead of taking into consideration objective criteria such as audience numbers, the spendings are still largely guided by political preferences. There are also four EU countries (Finland, Ireland, Luxembourg and Spain) that do not belong to this group of post-communist new democracies but score a high risk on state advertising. This is mainly due to the absence of regulation and difficulties in accessing the data on distribution in practice.

The second sub-indicator under the State regulation of resources and support to media sector deals with Government subsidies. This sub-indicator assesses the general regulation and practice of both direct and indirect state subsidies distribution to media outlets, other than PSM. State aid to media has been observed from several perspectives and within three areas of risks: a set of variables in the Social Inclusiveness area aims to assess the positive dimension of state support to local/regional and community media;<sup>83</sup> while in Market Plurality, concerns over effective implementation of regulation ensuring that State funds granted to PSM do not exceed what is necessary to provide the public service

83 See indicator Access to media for local/regional and community media, Chapter 1.4

are captured (i.e. that State funding of PSM does not cause disproportionate effects on competition).<sup>84</sup> Finally, the area of Political independence aims to capture two other sources of risk: politicisation of PSM funding<sup>85</sup>, and concerns over the distribution of subsidies to media other than PSM.

Direct state subsidies are, for example, cash grants and interest-free loans, while indirect state subsidies include tax exemptions, reduced postal service and telephone rates. Again, the logic of the MPM is that, if there are subsidies, there should be fair and transparent rules for their distribution. Otherwise, there is a risk of favouritism. On average, countries score a low risk (27%) on this sub-indicator (Figure 1.3.9.). In the majority of countries observed (16) the state subsidies are distributed to media outlets based on fair and transparent rules. The opposite is the case in Latvia, Hungary, Slovenia and Montenegro, all four of which score a high risk, mainly due the fact that there are no clear criteria on the allocation of subsidies and/or the data on which media profit from them are hard to obtain. Poland and Greece are in a medium risk band. In Poland, no concerns are noted with regard to indirect subsidies (reduced tax) but there are some worries on the lack of transparency in distribution of direct subsidies. Apart from the support envisaged for minority media, relevant ministries have at their disposal funds for specific projects regarding their area of competence. As the country team reported, the Ministry of Foreign Affairs can, on a basis of competition, select projects that would support Polish foreign policy. The Ministry of Culture can support projects that would promote readership, etc. But information on these fragmented channels of direct subsidies to media-related projects and organizations is usually not publicly accessible. In Greece, a medium risk is noted in relation to indirect government subsidies (reduced value added tax and postal distribution subsidy). As reported by the country team, legislation foresees fair rules for the distribution of indirect subsidies to print media outlets, but the lack of transparency does not enable an assessment of how the legislation has been implemented. The Secretariat General for Information and Communication used to publish information on the total amount of subsidies allocated per type of newspaper per year, but this information has not been updated since 2011. No direct subsidy support schemes for private media outlets exist in Greece. Therefore, related questions were excluded from the risk calculation. It is important to mention that for eight countries this sub-indicator was not counted<sup>86</sup> since, according to the information provided by the country teams, states in question do not provide any subsidies to media organizations (Netherlands, Estonia, Slovakia, Romania, Bulgaria, Malta, Cyprus and Turkey).

Finally, variables on Spectrum allocation assess the existence and implementation of the legal framework that enacts general regulatory principles and policy objectives of the Radio Spectrum Policy Programme (2012). With the technological developments there is a growing importance of access to radio spectrum for various industries and activities (from telephony and broadcasting, to transport, navigation and space applications). At the same time, spectrum is a natural, finite resource. Therefore its allocation has to take into consideration various needs and interests in order to sustain a diverse media landscape and access to high-quality programmes for European citizens. The results of the MPM2016 implementation show that, on average, countries score a low risk with regard to Spectrum allocation (22%), meaning that most of them have effective regulation and no disputes were recorded on this matter lately. However, there are a few exceptions. In Portugal, for instance, much discussion is going on in the area of digital terrestrial television (DTT) and the fact that the country never had a law allowing local terrestrial television. A licence is granted to every applicant fulfilling certain minimum requirements concerning professional and economic standards, but this does not secure the access to the digital terrestrial transmission network as it has to be negotiated with the multiplex operator (EAO, 2015). In Greece, in February 2016, the government adopted new laws which assigned the determination of the number of broadcasting licences to the Parliament and the licensing procedure to the Minister responsible for the media, bypassing the media regulatory authority (Ethniko Radiotileoptiko Symvoulío - ESR). This spawned criticism for potential favouritism on the part of the government and the Council of State, in October 2016, ruled that such procedure that excluded ESR, is unconstitutional (Kandyla and Psychogiopoulou, 2017).

84 See indicator Cross-media concentration of ownership and competition enforcement, Chapter 1.2

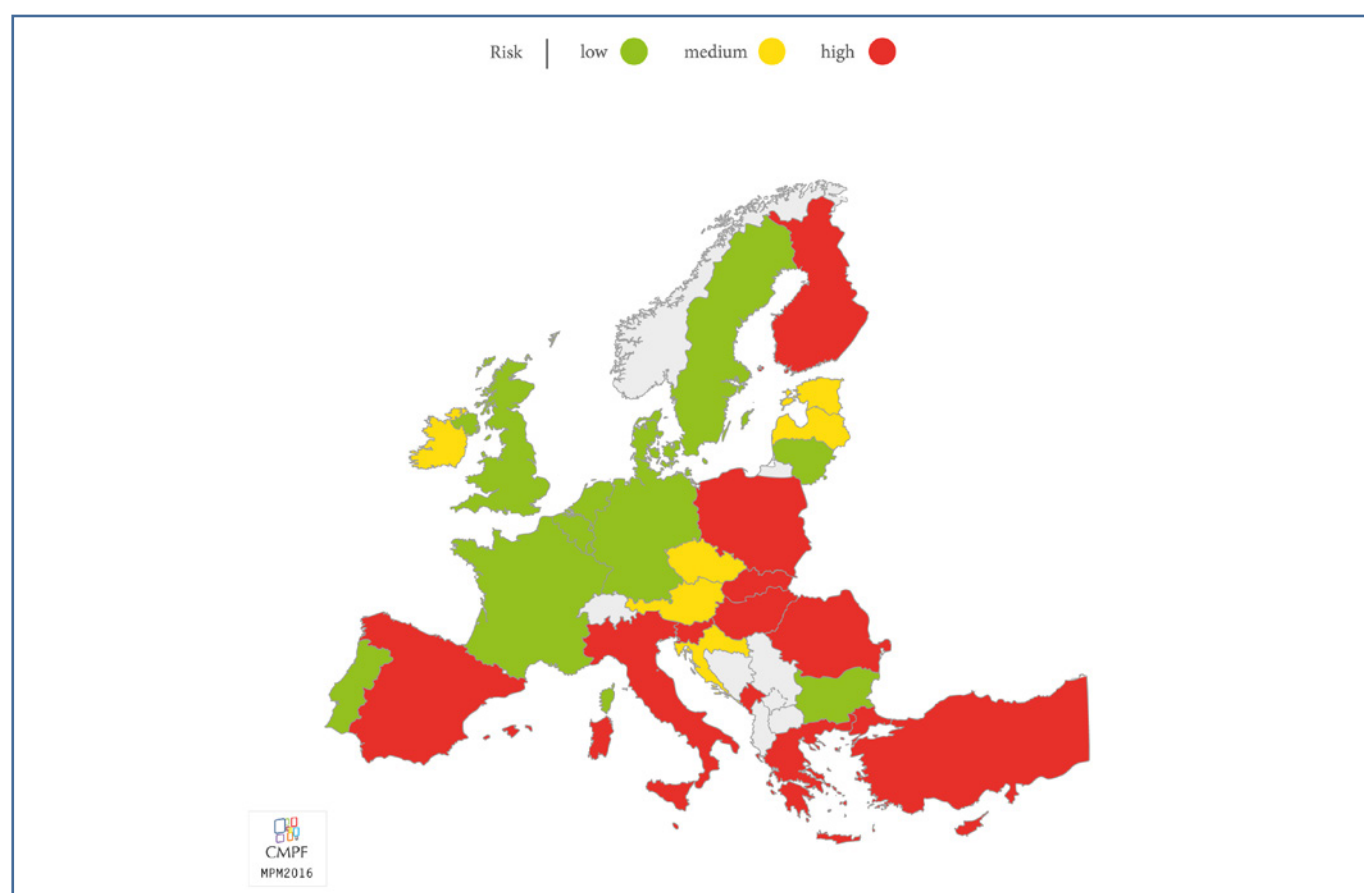
85 See indicator Independence of PSM governance and funding, Chapter 1.3

86 If there are no subsidies the countries are not required to have a specific regulation. In these cases relevant variables in the Monitor are assessed as not applicable and excluded from the final calculation of risk.

## INDEPENDENCE OF PSM GOVERNANCE AND FUNDING

The Independence of PSM governance and funding indicator is designed to measure the risks which stem from appointments procedures for top management positions in public service media, and the risks arising from the PSM funding mechanisms and procedures. The reasons behind giving a special focus to PSM are twofold, emerging from its perceived special role in society and its relationship with the state (CMPF, 2016). PSM systems are usually established by the state, which, in some cases, still has an influence over them. Given that the PSM are thought of as being media that are both owned by the public and responsible to it, that are characterised by nationwide access, and that produce content for all communities (Smith, 2012), it is feared that PSM which are under political influence will no longer fulfil the above-mentioned roles. Specifically, it is feared that this will produce biased content and reduce the ability of citizens to make informed choices. In order to secure its independence, it has frequently been suggested that the state should have only a minimal ability to interfere with the appointment procedures to its boards and to exert influence by funding (Bardoel and Haensen 2008; Benson and Powers 2011; Council of Europe 2012; Hanretty 2009; Papatheodorou and Machin 2003).

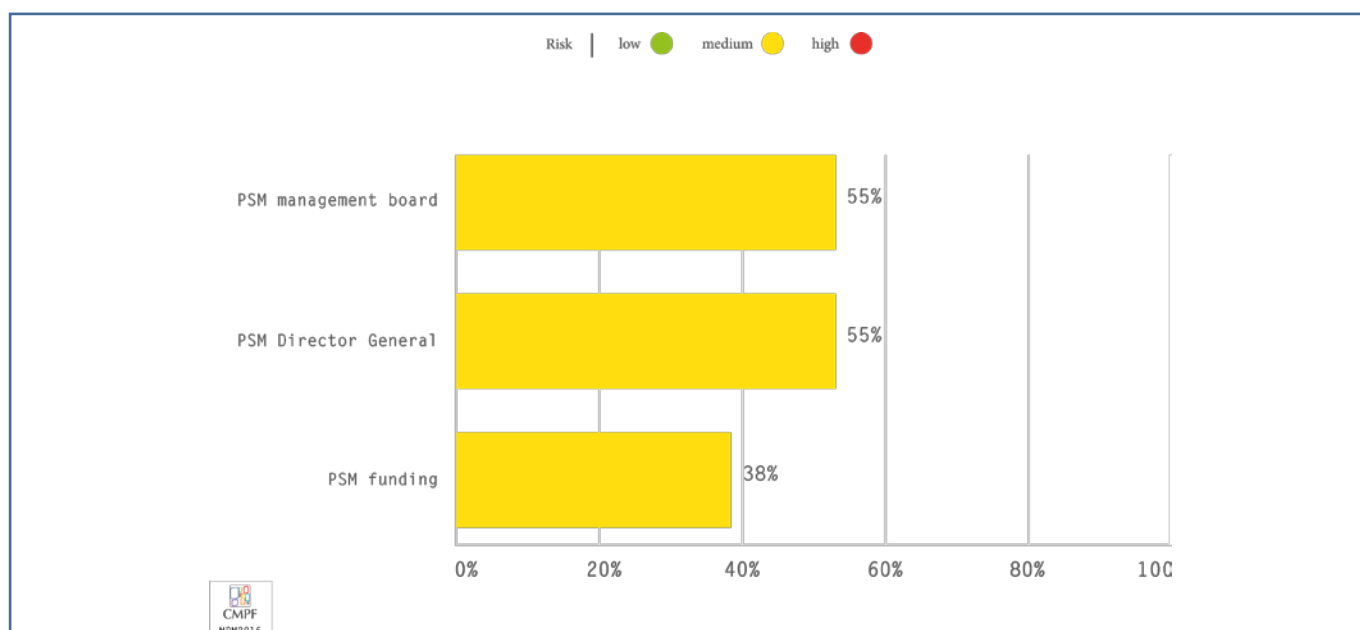
Figure 1.3.10. Independence of PSM governance and funding - Map of risks per country



As the above map shows, in 13 countries there is a high risk to the political independence of the PSM. In six other countries, potentially significant vulnerabilities for the PSM system were detected, therefore placing Ireland, Czech Republic, Croatia, Latvia, Estonia and Austria in the medium risk band. Luxembourg scored a low risk, but very close to the medium risk benchmark, while the other ten countries studied score a low risk. This indicator consists of three sub-indicators: one looking at the risks arising from PSM funding, and two assessing the risks stemming from appointments to the PSM management boards and of the Director General.



Figure 1.3.11. Independence of PSM governance and funding - Average scorings of sub-indicators



On average, risks are mainly related to the appointment procedures of managing boards and general directors of PSM. Along the two candidate countries, Montenegro and Turkey, EU countries that are most at risk include Cyprus, Hungary and Romania. The generic character of the criteria used to appoint the General Manager and the Governing Board of the PSM in Cyprus, along with the fact that appointments and dismissals are subject to the approval and decisions of the Council of Ministers facilitate political influence in practice. As the country team reported, the appointment of the General Manager has been politically influenced for many years, which led to successive cancellation of appointments by the Supreme Court. In Hungary, the 2010 media legislation brought extensive restructuring of country's PSM. Each of PSM outlets—three national TV, three radio stations and one national news service—are now supervised by a single body, the MTVA<sup>87</sup>, managed by the Media Council, whose members are appointed by the government (Brouillette et al., 2017).

In Romania, the appointment procedures ensure the presence of various political groups within the overseeing boards of the PSM and in the council of administration of the Romanian Public Television. The members of the board of management of The Romanian Radio Broadcasting Corporation and the Romanian Television Corporation are appointed by the vote of the majority of Parliament members in the joint meeting of the two chambers. However, according to the data presented by the country team, conflicts between these groups occurred frequently in the past years as they act almost exclusively as representatives of narrow party interests (rather than just as party representatives working as guarantors of journalistic content in the public interest). Therefore, any changes in the parliamentary majority or in the parliamentary agreements regarding the leadership of the PSM lead to a change of the PSM President and its board. Such change can be executed easily because the president of the PSM, together with the boards, can be dismissed by Parliament simply through the rejection of the annual report of activity without any evaluation of previously set performance targets, according to the Law of the organization and operation of the Romanian Radio Broadcasting Corporation and the Romanian Television Corporation. Therefore, although the mandate span of the Board members and President is four years, the board is actually often changed before term – only one of the presidents appointed since 1989 (out of a total of twelve) finished his term completely.

There has been many changes to the broadcasting laws in Poland recently, with a particular focus on the regulation of public service media which have provoked broad public discussion and criticism. The Small Media Act in 2015 introduced appointment of PSM Directors, management and supervisory boards by Minister of Treasury, thus creating a direct link between the government and PSM governance bodies. The Small Media Act expired on 30 June 2016, and the new Act establishing the National Media Council was passed by the Polish Parliament on 22 June 2016. According to the new Act, the National Media Council is now responsible for appointing members of PSM supervisory and management boards as well as Directors of the Polish Television and Polish Radio. However, this new body has weakened regulatory competences of the broadcasting authority KRRiT (Klimkiewicz, 2017).

Most countries that score high risks in relation to the politicisation of appointment procedures, record also medium/high risks with regard to the sub-indicator that looks at the adequacy and transparency of PSM funding. Along the countries listed above, Spain and Slovenia also belong to the group of upper high risk countries.

87 Médiaszolgáltatás-támogató és Vagyonkezelő Alap - umbrella organization for Hungarian public service media

## 1.4 ANALYSIS OF SOCIAL INCLUSIVENESS

The Social Inclusiveness area examines access to the media by various social and cultural groups, such as minorities, local/regional communities, people with disabilities and women. The access of different groups to the media is a key aspect of a participatory media system and is a core element of media pluralism. In addition, the Monitor considers media literacy to be a precondition for using media effectively. The area covers the following indicators:

- Access to media for minorities
- Access to media for local/regional communities and community media
- Access to media for people with disabilities
- Access to media for women
- Media literacy

In the area of Social Inclusiveness, two thirds of the countries (21) are in the medium risk band. Three countries score a high risk (Greece, Latvia and Turkey) and six countries a low risk (Belgium, Denmark, France, Netherlands, Sweden and the United Kingdom).

Figure 1.4.1 Social Inclusiveness area - Map of risks per country

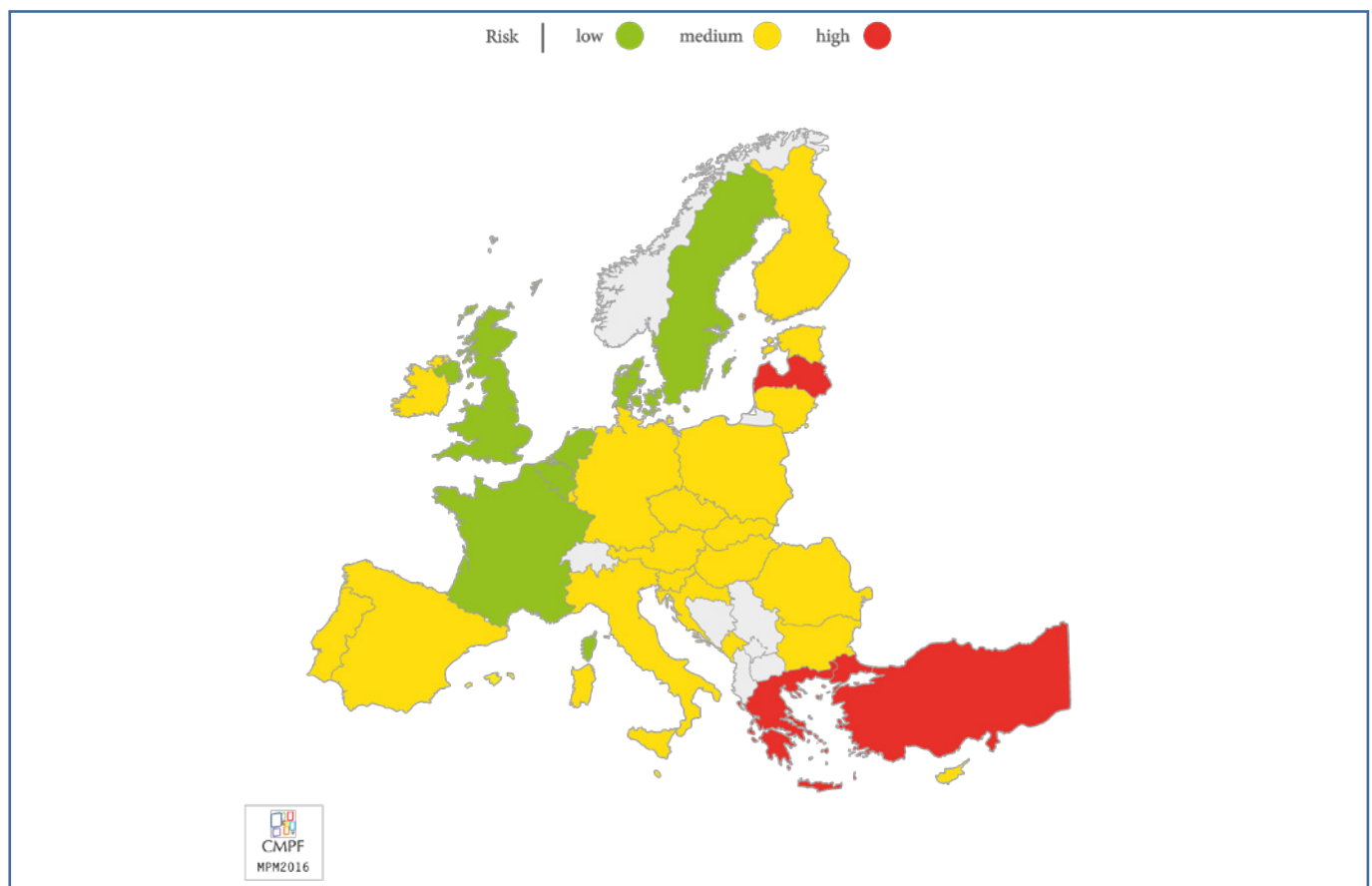
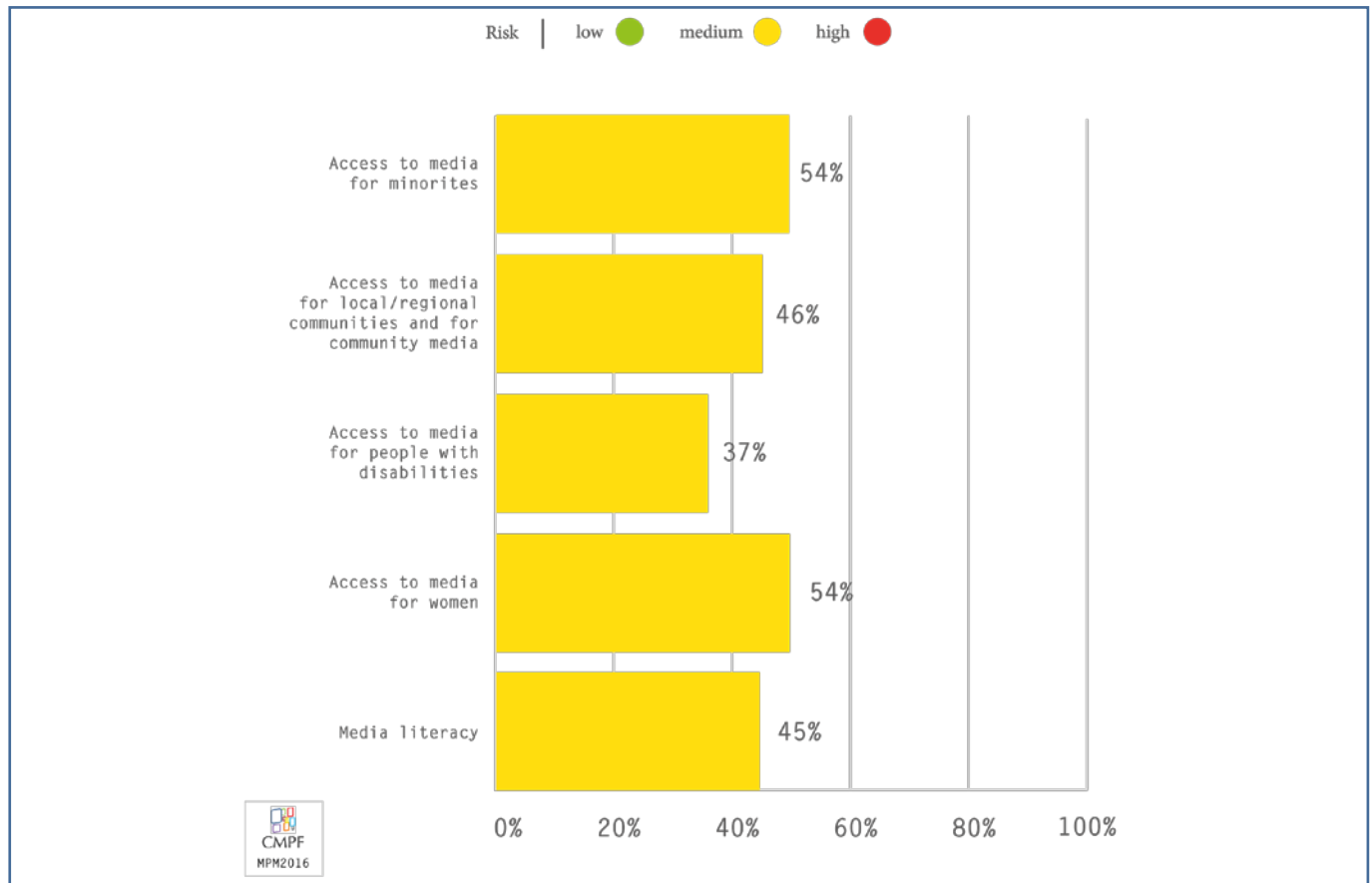


Figure 1.4.2 below illustrates that all individual indicators score in the medium risk band (on average). The indicator on access to media for people with disabilities shows the lowest risk (37%) but still ranks medium risk since support services for people with hearing and visual impairments are either non-existent or limited in the majority of countries. The indicators on access to media for minorities and for women score the highest risk (54% respectively). The latter two indicators are also among the top risk scores across all MPM areas. None of the countries scored a low risk on the representation of women as subjects and sources in news (on- and offline), which indicates that women might be heavily underrepresented in media across Europe. The other key concern in the area relates to the failing of many countries to provide adequate and proportional access to media (TV, radio and in newspapers) for minorities.

Figure 1.4.2. Social Inclusiveness area - Averages per indicator



## ACCESS TO MEDIA FOR MINORITIES

The Monitor assesses minorities' access to airtime on PSM channels, both in terms of legal safeguards and in practice. It also considers whether the space dedicated to minorities on TV, radio and in the newspapers is proportional to the size of the minority population in the country. This indicator has been elaborated on the basis of OSCE's Oslo Recommendations (OSCE, 1998, p. 6) that states the following: "Persons belonging to national minorities should have access to broadcast time in their own language on publicly funded media. At national, regional and local levels the amount and quality of time allocated to broadcasting in the language of a given minority should be commensurate with the numerical size and concentration of the national minority and appropriate to its situation and needs." The indicator is also in line with the Council of Europe's European Charter for Regional or Minority Languages (Council of Europe 1992, article 11) and its Framework Convention for the Protection of National Minorities, which emphasises that the Convention Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against but facilitated in their access to the media (Council of Europe, 1995, article 9).

The MPM definition of minorities is based on the concepts outlined by the Special Rapporteur of the United Nations Sub-Commission on the Prevention of Discrimination and the Protection of Minorities (UN, 1979) and by the European Union Agency for Fundamental Rights (FRA, 2011).<sup>88</sup> In brief, the Monitor considers minorities to be cultural or social groups that are:<sup>89</sup>

- numerically inferior to the rest of the population and to the majority group in the country,
- in a non-dominant position,
- whose members possess ethnic, religious or linguistic characteristics differing from those of the rest of the population.

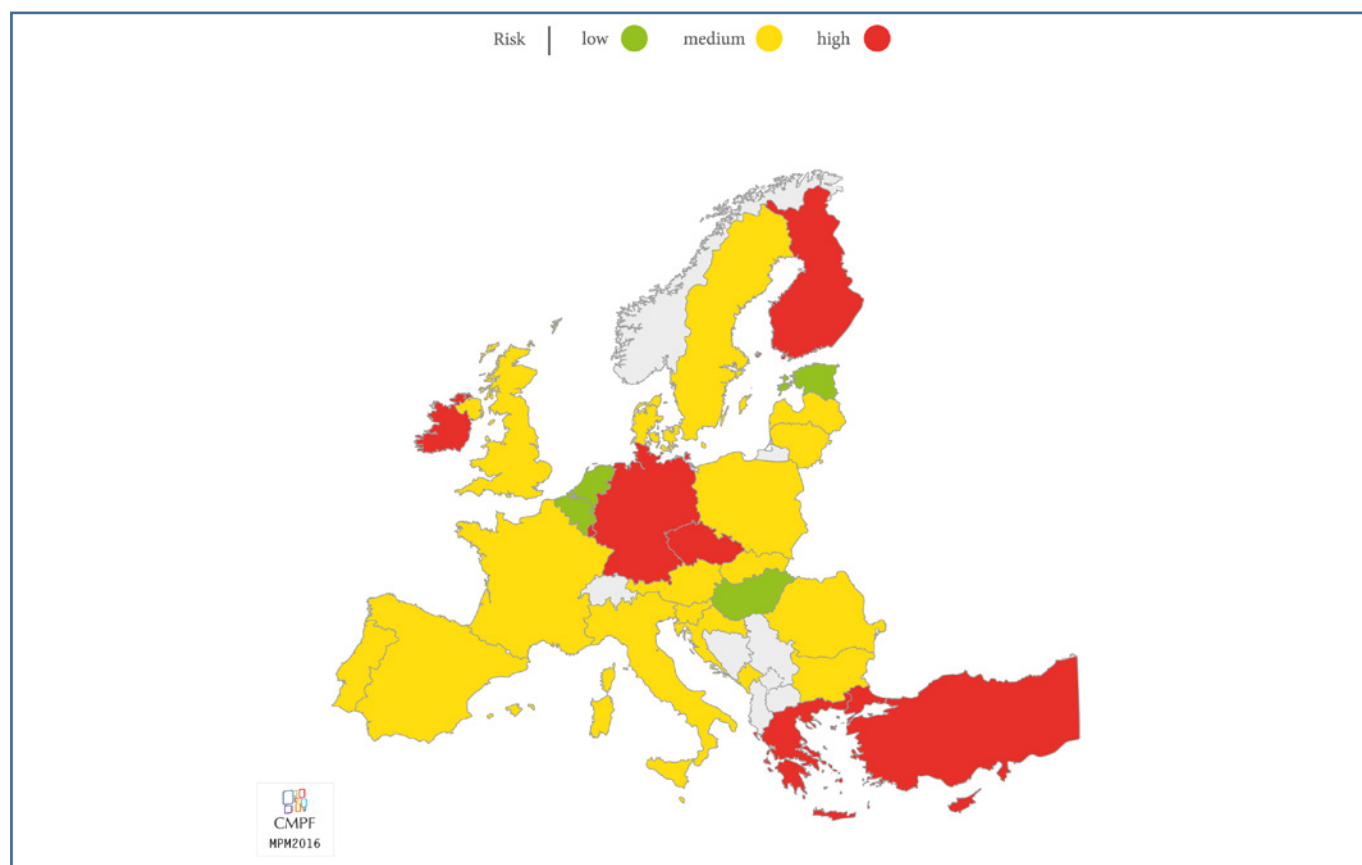
<sup>88</sup> It is worth mentioning that there is no internationally agreed definition as to which groups constitute minorities. For example, the Framework Convention for the Protection of National Minorities of the Council of Europe (CoE) does not contain a definition of a "national minority", as there is no general definition that is agreed upon by all the CoE's member states.

<sup>89</sup> For a complete MPM definition of minorities and the apposite references, please see Annex I.

It is important to note that MPM variables that are concerned with legal aspect are restricted to the definition of minorities that includes only minorities recognised by law, while for other, practice-oriented variables, the definition of minorities is expanded to include also minorities not recognized by the law.

The results on the indicator Access to media for minorities show that this is one of the highest risk indicators in the area and among the top risk scores across all of the Monitor's areas. Eight countries score a high risk, and only four score a low risk. In the great majority of countries minorities have adequate access to airtime, but with significant exceptions (medium risk).

Figure 1.4.3. Access to media for minorities - Map of risks per country



The indicator Access to media for minorities contains two sub-indicators. The first sub-indicator examines if the law guarantees access to airtime on PSM channels to minorities and if minorities have access to it in practice. In the variable that assesses the legal safeguards the definition of minorities is restricted to national minorities recognised by the law. Half of the countries (15) do not have this type of legal guarantees. In the variable that covers access to airtime in practice the definition of minorities is expanded to include also minorities not recognized by the law. At a first glance, the data seems to indicate that the availability of legislation does not lower the risk of access in practice. However, the results have to be interpreted with caution since the two variables adopt different definitions of minorities. As a case in point, in Slovakia only minorities recognised and catered for by the law have access to airtime in practice, which means it scores low risk on legislation and high risk on the actual practice.

The results on this sub-indicator are polarised with about half of the countries (13) scoring low risk and the other half (14) scoring high risk, while only three countries score medium risk. On the high risk-end the results are quite worrying since also countries such as Germany and Finland, which score low risk on many media pluralism dimensions, score as high as 75% respectively. Germany and Finland have no legal safeguards for access to airtime on PSM for minorities. In Germany, only churches and Jewish communities are guaranteed access to airtime on PSM by law. In practice, there are no specific TV or radio channels for minorities. In general, the MPM reveals that access to airtime on PSM varies across different minority groups in many of the examined countries. As a case in point, in Romania some minorities have access to airtime that is proportional to their share of the population in the country, while others have no access at all. The Romanian country team attributes this to the social and political representation of minority groups, where some minorities (such as the German minority in Romania) benefit from a positive public perception and symbolic capital, and also come to be more entitled to have airtime than more marginalized groups. Moreover, the MPM detects several cases where legally recognized minorities are better represented than non-

recognised minorities in the media. For example, the two legally recognized minorities (Sámi and the native Swedish speaking Finns) are fairly well-represented in Finnish media. They have their own TV and radio channels via the Finnish PSM corporation Yleisradio. Other ethnic minorities, however, tend to be underrepresented on all channels in Finland, except when it comes to crime news. Ethnic and other minorities also tend to be misrepresented in other ways in Finland, for example by placing them in the role of a minority representative instead of treating them as, for example, employees or parents.<sup>90</sup>

Six countries score the highest possible risk (97%) on the sub indicator regarding access to PSM (Cyprus, Denmark, Greece, Malta, Luxembourg and Ireland). In Ireland, the Irish-language speakers are well catered for on PSM relative to their numeric prominence in the population. Outside the Irish-language community, however, the PSM RTÉ (Raidió Teilifís Éireann) has only a very sporadic record of producing content for other minorities and providing access to the airwaves for such groups. The media expert Gavan Titley, interviewed by the Irish country team, stressed that since 2010 “RTE has no dedicated programming” targeting ethnic minorities. In 2013, RTE published a 2013-17 strategy document, which briefly considered “On Air Diversity”. The document tacitly acknowledged that RTE programming to date might not have fully represented the makeup of the country as a whole and committed to broadening the range of on-air contributors. Specifically the document stated the programme makers should begin to track on air contributions by “age, gender, region,[and] ‘new’ Irish”. In April 2016, the outgoing RTE Director-General, Noel Curran, publicly acknowledged that RTE had “fallen on ethnic minorities absolutely, we have not done enough” (Kapila, 2016), although he asserted that going forward would be a priority for the organisation. In the case of Luxembourg, also scoring 97% on this sub-indicator, the sum of minority groups in the country will soon become the ‘majority’. In 2016, almost half of the population did not have the Luxembourgish nationality and Luxembourgish was the primary language for only 3.8% of the population. Despite this large presence of other nationalities and linguistic groups in the country, the PSM services are essentially in Luxembourgish, thereby excluding most minority groups and a large share of the overall population.

The second sub-indicator assesses if the space for minorities on TV, radio and in newspapers is proportional to the size of the minority population in the country.<sup>91</sup> A large majority of countries (25) score either medium or high risk on this sub-indicator, which means that programming hours on TV and radio, as well as newspapers dedicated to minorities are not proportional to the size of minorities in most European countries. Almost half of the countries (12) score high risk and five countries score the highest possible risk (Ireland, Bulgaria, Finland, Germany and Slovenia). In Bulgaria, the coverage of most minorities is not proportional to the size of their populations in the country. Media monitoring reports indicate a general tendency of discriminatory or prejudice-driven representation of minorities, especially on TV. The Bulgarian country team also points out that it is not only a question of number of programming hours dedicated to minorities, but also to how they are represented. For example, the mainstream audiovisual media in Bulgaria covers Roma-related issues frequently, including in prime-time news and talk-show programmes. The representation, however, is often biased, scandalous and driven by negative prejudices; and hate speech takes place. In Slovenia, the interviewed expert Boris Vezjak suggests that the high risk score regarding proportionality of representation is related to the absence of systemic regulations and lack of funding to support minorities’ access to media.<sup>92</sup>

During the testing rounds of the MPM, we encountered a number of measurement problems related to e.g. definition of minority media, framing of proportionality of access, and lack of research and statistics on minorities. It is worth noting that it was difficult to get accurate data in many of the surveyed countries. Moreover, it is difficult to establish if the dedicated media space is proportional to the minority populations since the statistics on both programming hours and the size of minority groups in the country (especially those not recognised by the law) are often missing. For example, there is no reliable statistics on the Roma population in Sweden. Collecting this type of ethnicity related data is a loaded and political issue. The available data tends to be uncertain with the number of Roma in Sweden ranging from 30,000 to 500,000 depending on the source.<sup>93</sup> To get more reliable results and an additional evaluation of the issue, the country teams conducted interviews with at least one expert on minorities in their country regarding all except one of the variables in this indicator (the legal one).

90 This information is based on an interview with the Finnish authority Non-discrimination Ombudsman conducted by the Finnish country team in April 2016. This assessment is also partly confirmed by Karina Horsti, which assesses that Yleisradio has yet to properly serve and represent minorities chapter in an edited volume on European PSM (“National conversations: public service media and cultural diversity in Europe”) (Horsti, 2014).

91 The variables in this sub indicator assessed if the programming hours on TV and radio channels dedicated to minorities are proportional to the size of the minority population, and if the number of newspapers dedicated to minorities is proportional to the size of the minority population. When coding the latter variable, the readership of the newspapers in question was considered since there might be many minority newspapers but with very few readers or, alternatively, only a few minority newspapers but with many readers. Again, in this practice-oriented variable the definition of minorities is expanded to include also minorities not recognized by the law.

92 Interview with Boris Vezjak, professor at the University of Maribor, conducted on 8 June 2016 by the Slovenian country team.

93 Information from the country expert for the Monitor implementation in Sweden, dated 24/09/2015.



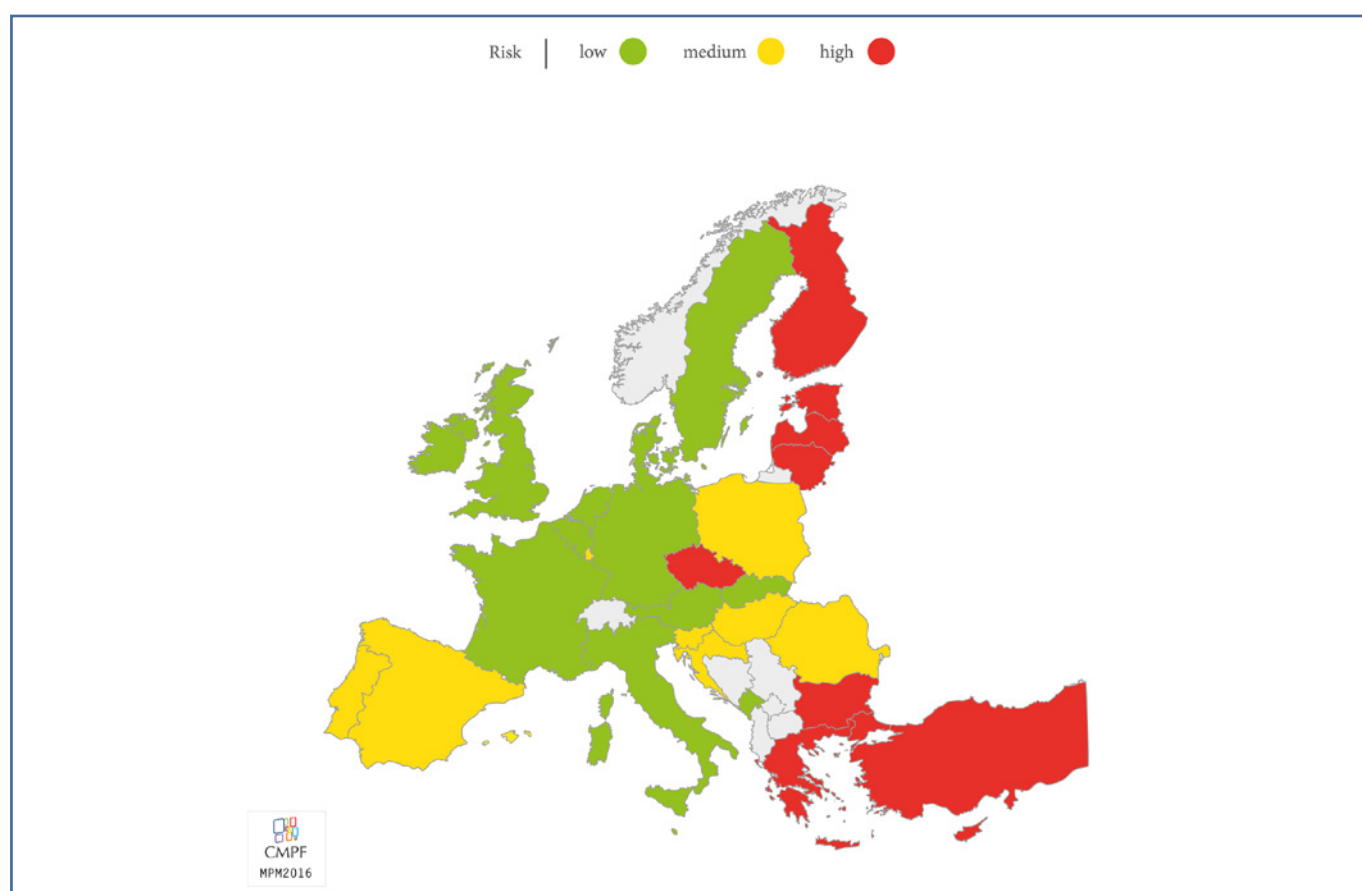
## ACCESS TO MEDIA FOR LOCAL/REGIONAL COMMUNITIES AND COMMUNITY MEDIA

Media at the regional and local level is particularly important for democracy since its relationship with the local audiences tends to be closer compared to national media. That proximity is confirmed by both the user statistics and by the level of participation in the media. Regional and local media can also serve as alternative spaces for discussion for identities and languages that are marginalised by the national media. A solid regulatory framework and support measures can help regional media in its democratic mission (Cappello et al., 2016). This is becoming increasingly important in times when more and more local and regional newspapers and broadcasters are struggling to survive.

Community media is also critical for ensuring media pluralism and are an indicator of a sound democratic society. They tend to focus on local issues and can contribute to facilitating local discussions (UNESCO, 2017). In the MPM, community media is defined as media that are non-profit and accountable to the community that they seek to serve. They are open to participation by members of the community for the creation of content. As such, they are a distinct group within the media sector alongside commercial and public media. Community media are addressed to specific target groups and social benefit is their primary concern.

This MPM indicator assesses if local and regional communities are guaranteed access to media, both in terms of legal safeguards and in terms of policy or financial support. It also covers community media, both from the point of view of legal and practical guarantees of access to media platforms and independence, as well as in terms of policy measures. Almost two thirds of the countries (17) are in the medium or high risk band (see Figure 1.4.4). As many as one third (9) score high risk. The sub indicator on community media scores higher risk compared to the one on local and regional communities: almost half of the countries (14) score high risk, and four countries (Bulgaria, Cyprus, Portugal and Latvia) score the highest possible risk (97%).

Figure 1.4.4. Access to media for local/regional communities and community media - Map of risks per country



The first sub-indicator examines if there are legal safeguards for access to media for local and regional communities, and if the state supports local and regional media through subsidies or policy measures. The MPM assesses if the law contains specific provisions granting access to media platforms to regional or local media, and if they are implemented. Moreover, it assesses if the PSM are obliged to keep their own local/regional correspondents or branches (as opposed to relying on material acquired from news agencies) and if they have obligations to broadcast national news in regional

and minority languages.<sup>94</sup> The overall results on this sub-indicator show that around half of the countries (14) are in the low risk band. Six countries even score very well at the minimal possible risk level (3%).<sup>95</sup> At the same time, eight countries score high risk. For example, the Baltic countries (Estonia, Latvia and Lithuania) are all in the high risk band. The access of regional and local media to media platforms is not guaranteed by law, and the state provides very little support to this type of media in terms of policy measures or subsidies. Moreover, the PSM are not obliged to keep their own local/regional correspondents or to transmit national news in regional and minority languages.

In most of the countries (22), the legal guarantees for access of regional/local media to media platforms are in place. Relevant provisions concern reservation of TV or radio frequencies; or guarantees for access to radio and TV networks via must-carry rules. The legal provisions are implemented effectively in all but one country (Turkey). On the other side of the spectrum, seven countries lack this type of legal provisions (Estonia, Latvia, Lithuania, Greece, Finland, Czech republic, and Croatia). In about half of the countries, PSM also lack legal provisions on keeping local/regional presence and on broadcasting news in regional and minority languages (16 and 15 countries respectively).

Regarding support measures directed towards regional and local media, the results represent a mixed picture. About one third of the countries does not support regional/local media at all (high risk), while another third has support measures in place but only to a limited extent. In the Netherlands, the Media Act (2008: Article 2.170b)<sup>96</sup> establishes that local PSM receive a subsidy of 1,30 euro per household, disbursed by the municipalities. However, the Dutch media authority concludes that not all municipalities meet the subsidy requirements (too little is paid) and the financial situation of one third of the local PSM's is worrying.<sup>97</sup> In Poland, for a long time, an approach to local media markets has not envisaged any direct subsidies or other schemes. Although there have been some indirect subsidies (lowered tax) for the press and book sector, these supported book and press sectors generally, without taking into consideration specific conditions of local and regional media. As a result, the Polish media landscape is relatively centralized and this centralization is steadily growing, particularly in the press market.

The second sub-indicator examines potential risks to community media. In particular, the MPM assesses if community media are guaranteed access to media platforms (e.g. by reservation of TV or radio frequencies for community media or guarantees for access to networks via must-carry rules). The MPM also examines if the community media's independence is safeguarded, and if these media benefit from state support, subsidies or targeted policy measures. Almost half of the countries score high risk, and four of them (Bulgaria, Cyprus, Portugal and Latvia) score the highest possible risk. In Bulgaria, community media are not envisaged in the law and there are no statutory regulations on the licensing or the functioning of community media. There is no tradition of community media and community media is basically non-existent. Over the years, there have been just a few media outlets with some characteristics of community media. These media have been licensed and functioned under different regimes (as public or as commercial media).

## ACCESS TO MEDIA FOR PEOPLE WITH DISABILITIES

All citizens have the right to access media and persons with disabilities need this access in order to live independently and participate fully in all aspects of life (European Blind Union, 2016). This is an issue for a large number of people since there are circa 30 million visually impaired<sup>98</sup> and 50 million deaf or hard of hearing Europeans,<sup>99</sup> which together constitutes about 10% of the total EU population. The UN Convention on the Rights of Persons with Disabilities, which has been ratified by over 170 states and by all of the EU countries (European Commission, 2016), stresses that states should encourage the media, including providers of information through the Internet, to make their services accessible to persons with disabilities; and that they should promote the use of sign languages (article 21). The Convention also asserts that states shall take all appropriate measures to ensure that persons with disabilities enjoy access to television programmes in accessible formats (article 30).<sup>100</sup> "Denying access to TV and on-demand content

94 Regional or minority languages are defined in accordance with the European Charter for Regional or Minority Languages (1992) as: traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and different from the official language(s) of that State. European Charter for Regional or Minority Languages (1992). ETS No.148. Strasbourg, 05/11/1992. <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/148>

95 The six countries are : Austria, France, Italy, Slovakia, Spain and United Kingdom.

96 Mediawet 2008 [Media Act 2008]. <http://wetten.overheid.nl/BWBR0025028/2017-02-01>

97 Commissariaat voor de Media (CvdM) (2013). Evaluatie van de financiering van de lokale publieke media instellingen in de jaren 2009-2012 [Evaluation of the funding of local public media institutions in the years 2009-2012]. p. 13. <http://www.cvdM.nl/wp-content/uploads/2013/12/evaluatie-van-de-financiering-van-de-lokale-publieke-media-instellingen-in-de-jaren-2009-2012.pdf>

98 European Blind Union: <http://www.euroblind.org/resources/information/#details>

99 European Federation of Hard of Hearing People (2011). State of subtitling accessing EU. Report. [http://ec.europa.eu/internal\\_market/consultations/2011/audiovisual/non-registered-organisations/european-federation-of-hard-of-hearing-people-efhoh- en.pdf](http://ec.europa.eu/internal_market/consultations/2011/audiovisual/non-registered-organisations/european-federation-of-hard-of-hearing-people-efhoh- en.pdf)

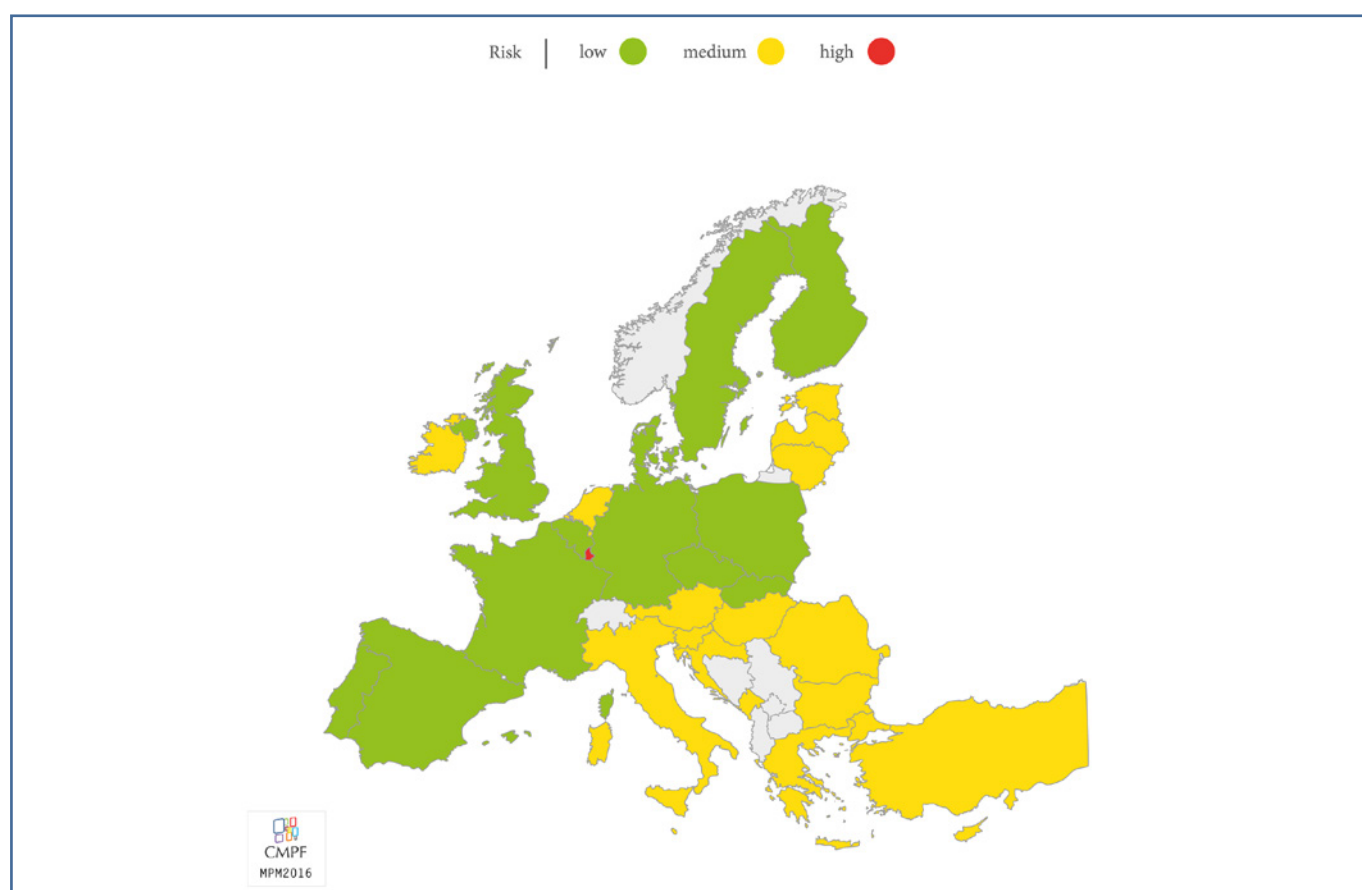
100 The Convention establishes that "States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice." See Article 21 and 30: Freedom of expression and opinion, and access to information of the UN Convention on the Rights of Persons with Disabilities: <https://www.un.org/development/desa/disabilities/convention->

means discrimination on the basis of article 30 of that Convention.<sup>101</sup>

At the European level, the Audiovisual Media Services Directive (AVMSD, 2010, article 7) contains a non-binding measure stating that “Member States shall encourage media service providers under their jurisdiction to ensure that their services are gradually made accessible to people with a visual or hearing disability”. In 2015, when the Commission started a revision of the AVMSD, several civil society organisations requested to strengthen the accessibility provisions (European Disability Forum, 2016, European Blind Union, 2016, European Union of the Deaf, undated). Presently, the EU regulation related to accessibility of audiovisual media services is under discussion.<sup>102</sup>

The MPM indicator assesses the regulatory framework, including the policies and laws on access to media content for people with disabilities, and the availability of support services for people with hearing and visual impairments. In the framework of the MPM people with disabilities are defined as blind, partially sighted, deaf and hard of hearing people. This is the indicator showing the lowest risk in the Social inclusiveness area, although it still lies in the medium risk band (37% on average). Most countries score medium risk and only Luxembourg scores high risk (75%). Among the twelve countries scoring low risk, five countries score the lowest possible risk (Belgium, United Kingdom, Czech Republic, Denmark and Sweden at 3%). Overall, there is a lot of variation across the 30 countries in terms of the level of accessibility for people with disabilities.

Figure 1.4.5. Access to media for people with disabilities - Map of risks per country



The first sub-indicator covers the regulatory framework and assesses whether there are laws requiring signing and audio descriptions, and if policies on access to media content are coherent and well-developed. Most countries have an adequate regulatory framework (16 score low risk) and only two countries score high risk (Lithuania and

[on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html](http://www.euroblind.org/newsletter/2016/july-august/newsletter/online/en/newsletter/feature/)

<sup>101</sup> <http://www.euroblind.org/newsletter/2016/july-august/newsletter/online/en/newsletter/feature/>

<sup>102</sup> In December 2015, the Commission adopted a proposal for a horizontal Directive on accessibility of goods and services (the European Accessibility Act (EAA)) that also covered accessibility of audiovisual content. In the light of the forthcoming EAA, the European Commission deleted article 7 from the proposal for the AVMSD of 25 May 2016. At the same time, several civil society stakeholders stressed that the AVMSD and the EAA should complement each other, and suggested that future revisions should contain compulsory accessibility targets in the AVMS directive that are specified through functional requirements in the EAA (European Disability Forum, 2016, The European Blind Union, 2016, European Union of the Deaf, undated).

Luxembourg). In Luxembourg, the government has ratified the United Nations Convention on the Rights of Persons with Disabilities but there is no specific law implementing the Convention. The government has decided to implement the Convention through several action plans with targeted measures. A particularly relevant measure states that: “The national news must be accessible to people with hearing disorders (using synchronized subtitles in German and French and publishing online articles written in plain language). Some programmes of general interest broadcast live should also be translated into sign language.”<sup>103</sup> However, an NGO representative interviewed by the Luxembourgish country team observed that, in the absence of legal requirement, several newspapers do not offer online versions that are accessible for blind people. Moreover, radio in Luxembourg is not accessible for people with hearing impairments. Also in Lithuania, policy-making in this thematic area is still under development. The main policy-related principles are outlined in the Law on equal opportunities; the National Programme for Social Integration of People with Disabilities 2013-2019, which outlines key problematic areas in this field; and in international conventions (i.e. Convention on the Rights of Persons with Disabilities that Lithuania has ratified). The Lithuanian PSM adhere to the generic values of openness, transparency and accessibility in its internal strategies and documents, and applies these in offering information for people with hearing and other disorders. In practice, the Lithuanian National Radio and Television (LRT) has an annual budget targeted at adapting its programmes to people with hearing problems (e.g. in order to hire sign language translators and provide subtitling). However, one of the consulted experts stresses that while there are programmes for persons with hearing impairments, there is a lack of programmes for people with visual impairments.

In contrast to the Luxembourgish and the Lithuanian cases, the United Kingdom offers a good practice. The UK has a well-developed policy in this area. The communications regulator in the UK, Ofcom, is required by law to draw up and periodically review a code related to enabling persons who are deaf or hard of hearing, blind or partially sighted, or who have a dual sensory impairment (deafblind) to be able to access television services. Ofcom’s code sets out the requirements regarding subtitling, audio descriptions and signing, and it applies to all TV channels, although the requirements are higher for PSM, particularly for the BBC. The legislative requirements for audio description apply also for on-demand audiovisual media. In addition, Ofcom also conducts periodic reviews of the way broadcasters are meeting the quotas set by the code. The latest Television access services report in 2015 showed that the broadcasters are meeting the requirements and even voluntarily delivering significantly over the statutory requirements. When targets are missed, it is only marginally. According to the European Blind Union, an umbrella organisation for 44 national NGOs, the binding legislation in the UK has ensured much higher levels of audio description and subtitles compared to other EU Member States that lack such legal requirements.<sup>104</sup> Moreover, the British NGO Action on Hearing Loss, interviewed by the country team, stresses that since Ofcom introduced monitoring of the legal implementation, the quality of subtitles had improved significantly.

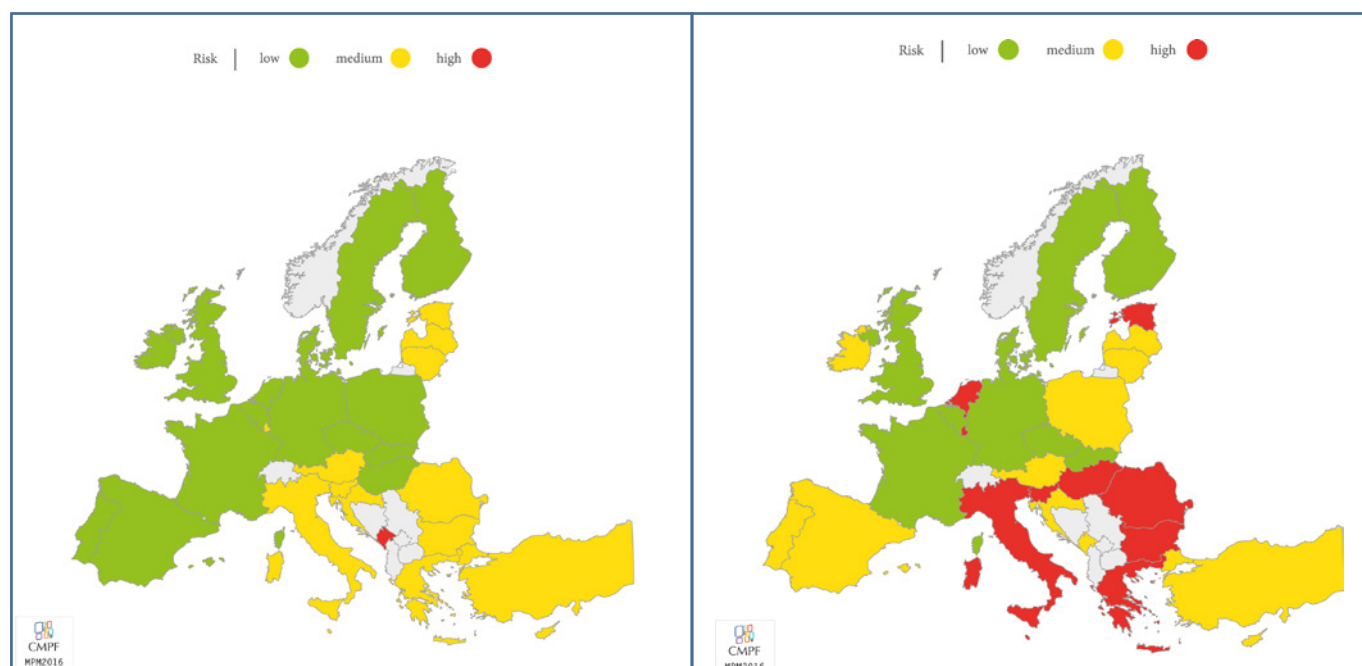
According to an Ofcom representative on the MPM group of experts, Ofcom also works with industry and disability groups to improve the access of people with disabilities to audiovisual content. Some of their most recent initiatives relate to access in on-demand audiovisual services, and cooperation with industry to further improve the quality of live subtitling, potentially aiming to update best practice guidance in this area. Ofcom has also extended obligations on the provision of signing to non-domestic channels licensed by Ofcom (i.e. those who broadcast to other countries in the EU and in Europe more widely). The second sub-indicator evaluates whether, and to what extent, support services for people with hearing and visual impairments are available in practice (i.e. subtitles, signing, sound descriptions and audio description). Overall, 17 of 30 countries score medium or high risk, which means that support services are either non-existent or only available on an irregular basis. This indicates that in relation to support services there is considerable room for improvement in most of the examined countries. The results are polarised with nine countries showing high risk and nine the lowest possible risk (3%). Several countries that score high risk on this sub-indicator, including Bulgaria and Slovenia, report that support services are offered by PSM only, and not by private media. A particularly burning issue is that audio descriptions for blind people are absent in one third of the countries (10 scoring high risk), and available only on an irregular basis in eleven countries (scoring medium risk). Figure 1.4.6. shows that more countries score risk regarding support services for blind people than regarding services for people with hearing impairments. This finding is in line with the European Commission’s assessment of availability of access services, which concluded that the level of services for the visually impaired is much lower compared to such services for people with hearing impairments (European Commission, 2016).

103 Plan d’Action de mise en œuvre de la CRDPH du Gouvernement luxembourgeois (2012), p. 10. (Statement translated by the country team).

104 <http://www.euroblind.org/newsletter/2016/july-august/newsletter/online/en/newsletter/feature/>



Figure 1.4.6. The availability of support services for people with hearing impairments (left-hand map) and for people with visual impairments (right-hand map) in audiovisual media



In the case of Bulgaria, none of the public or private broadcasters offer audio descriptions for blind people. In the past few years, the national Council for Electronic Media has repeatedly pointed to serious insufficiencies in regard to this issue and has reminded the media service providers of their obligations to provide blind people with better access to media content by introducing audio descriptions. The situation regarding support services for people with hearing impairments is better. The PSM Bulgarian National Television (BNT) provides sign language interpretation of the daily news every weekday and also has a weekly TV show aimed at the social integration of people with hearing impairments that has been on air for more than 30 years. The whole programme is interpreted in sign language. At the same time, the two largest private broadcasters examined do not provide media content in sign language. Subtitles are used on irregular basis by public and private broadcasters. As a whole, access to TV content by people with hearing impairments is very limited. The country team reports that people with such impairments are dissatisfied with the current situation, in particular with the quality and the frequency of the sign language transmissions on the PSM. Also the Council for Electronic Media has detected these insufficiencies and urged the media service providers to introduce subtitles and sign language.

In Montenegro, all kinds of support services (subtitles, signing, sound and audio descriptions) are extremely limited. The only programme that has been translated into sign language is a special daily news broadcast by the PSM, which has a duration of only five minutes per day. In Romania, despite an improvement compared to the situation in 2015, many TV channels still fail to provide sufficient subtitles, signing and sound descriptions.<sup>105</sup> The key reasons are the lack of appropriate funding, limited technical possibilities and specialized interpreters at the local level. The overall situation is particularly critical for audio descriptions, which are not required by the law.

## ACCESS TO MEDIA FOR WOMEN

Gender equality is a fundamental value (Treaty on European Union, 2008) and a strategic objective of the EU (European Commission, 2015b). The Council of Europe considers gender equality as an integral part of human rights, inter-related with media freedom, including editorial freedom, and hand-in-hand with freedom of expression, as fundamental right (Council of Europe Recommendation, 2013). However, gender gaps are still a reality in the media sector. The EU-wide study conducted by the European Institute for Gender Equality (EIGE, 2013, p. 59) stresses that significant inequalities, including under-representation and career barriers, remain entrenched in the media sector. Part of the EIGE conclusions are confirmed by the results of this indicator.

The indicator Access to media for women evaluates the regulatory framework related to women's access to media; as well as the share of women at the level of management, among news reporters and in news content. This is the

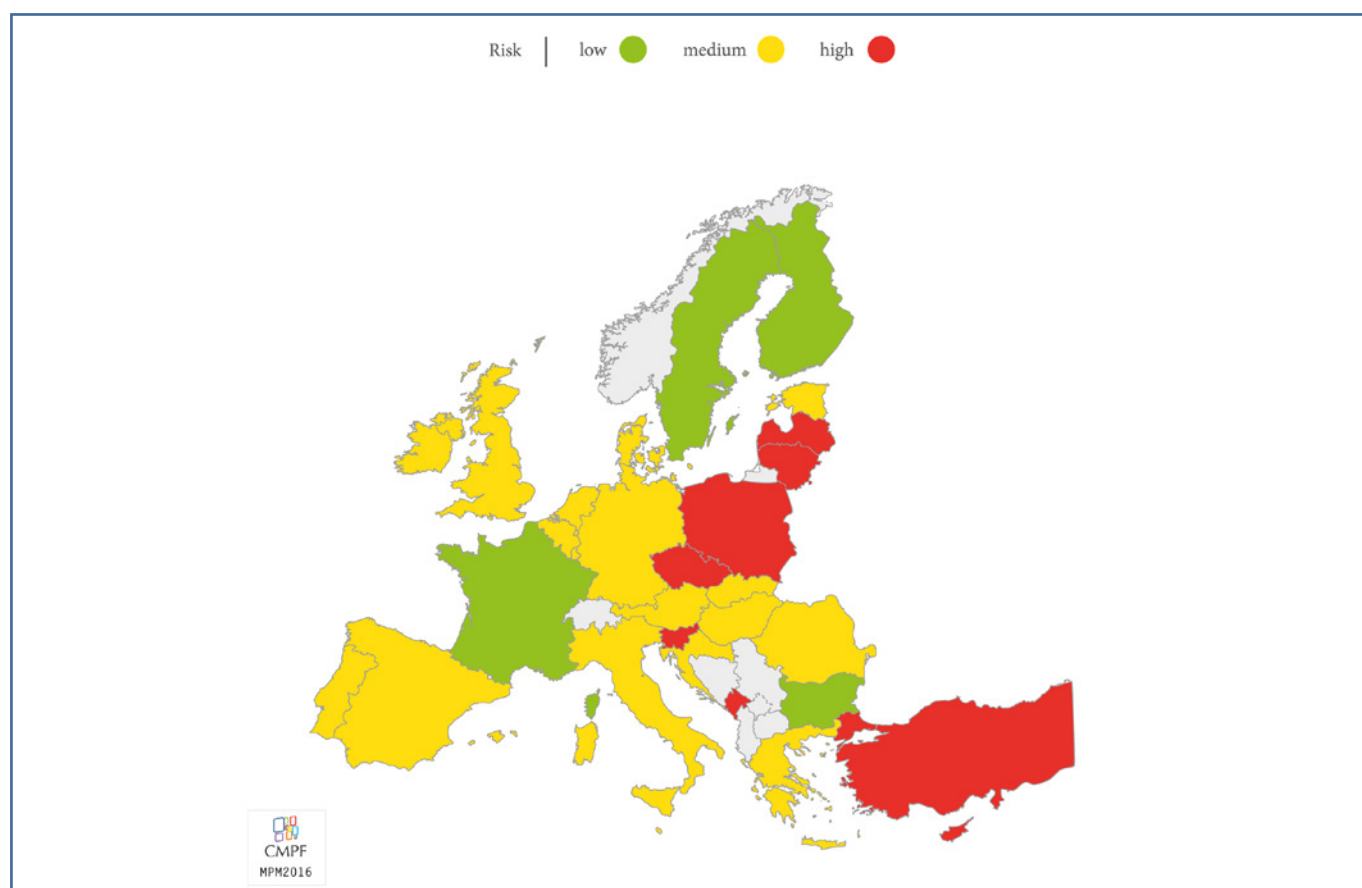
<sup>105</sup> The country team reports that as of February 2016, 98 of the 224 regional/local TV and cable channels did not apply the legal provisions regarding the provision of sign language.



indicator with the highest risk score in the Social inclusiveness area (54%) and it is among the top risk indicators across all the MPM areas. The group at risk of being excluded by media systems is of significant size. In the EU:28, there are circa 260 million women, which make up 51% of the total European population.<sup>106</sup>

As illustrated by the map in Figure 1.4.7, eight countries score high risk on average and only four score low risk (France, Finland, Sweden and Bulgaria) on this indicator. The concerns are particularly strong about the representation of women in media organisations and in news content. None of the examined countries scored low risk on the share of women as subjects and sources in news (on- and offline), which indicates that women might be heavily underrepresented in media across Europe.

Figure 1.4.7. Access to media for women - Map of risks per country



The first sub-indicator covers the existence and implementation of equal rights laws, and assesses if the PSM have a comprehensive gender equality policy. Equal rights laws that apply to employment of women in media organizations are in place and implemented in most of the thirty countries. Only three countries lack equal rights law (Latvia, Montenegro, Slovenia). Interestingly, the Bulgarian country team notes that the country's accession to the EU was a key incentive for introducing legislative measures on gender equality.<sup>107</sup>

The situation is less positive regarding gender equality policies. In 13 countries PSM lack gender equality policies altogether.<sup>108</sup> Moreover, in one third of all countries, the policies are not comprehensive.<sup>109</sup> For example, Denmark scores medium risk because the PSM policies do not cover programming content. Both the Danish TV2 (a publicly

<sup>106</sup> [http://ec.europa.eu/eurostat/statistics-explained/index.php/Gender\\_statistics](http://ec.europa.eu/eurostat/statistics-explained/index.php/Gender_statistics)

<sup>107</sup> Source: The Law on Equality between Women and Men (Translation to English by the CMPF). Закон за равнопоставеност на жените и мъжете. Обн. ДВ. бр.33 от 26 Април 2016г. <http://www.lex.bg/bg/laws/ldoc/2136803101>

<sup>108</sup> In Ireland despite repeated efforts by the country team to make contact with the responsible department within the PSM, researchers were not able to get reliable information. Since PSM is generally a public institution that should promote high standards of transparency, no data in this case was coded as a high risk.

<sup>109</sup> The country experts had to evaluate the availability and quality of policies in the form of risk assessment where high risk meant that PSM do not have any policy, medium risk that a policy is in place but is limited in scope, and low risk that PSM have a comprehensive policy. The experts considered that a gender equality policy is available if such a policy exist as a specific document or if gender equality objectives or measures with regard to personnel issues or programming are mentioned as part of other documents.

owned subscription TV)<sup>110</sup> and the PSM Danish Broadcasting Corporation<sup>111</sup> have gender equality policies with concrete targets (minimum 33% and 40% of the underrepresented gender in management positions respectively). However, the policies do not cover media content. A good practice example is the gender equality policy of the Swedish PSM SVT (Sveriges Television).<sup>112</sup> The policy states that the SVT programming should factor in equality and reflect it both in the choice of topic and focus, as well as in the number of participating women and men. It also sets numerical goals, e.g. that the proportion of female and male managers in all managerial levels must be equal or have a deviation of no more than 10%, and that the percentage of women and men participating in programmes should not have a deviation of more than 10% over a period of one year. However, a shortcoming is that it is unclear if and how the policy is monitored in practice.<sup>113</sup>

The second sub-indicator assesses the representation of women at the level of PSM management, and among news reporters and in the news content in both private and public media. The variable examining the share of women on PSM management boards<sup>114</sup> was designed to reflect the Council of Europe recommendation (2012) regarding a balanced representation of men and women in decision-making bodies of PSM. Half of the countries (15) show high risk for this variable.<sup>115</sup> Several countries have very few women on PSM boards and two countries even none (Estonia and Turkey). Moreover, even countries that score low risk display percentages that are close to the minimum threshold (40% of women on boards). Only two countries in Europe have PSM management boards that are composed of more than 50% women (Sweden 61% and Bulgaria 60%). Our findings are in line with Eurostat data<sup>116</sup> and the EIGE study, which show that despite overrepresentation of women among graduates in journalism and information, and despite a high number of women working in the media sector in Europe, women remain underrepresented in management positions in media (EIGE, 2013). In public media in the EU:28 women hold only 22% of strategic decision-making positions (EIGE, 2013). This is alarming since PSM should be at the forefront of ensuring gender equality in its internal organisation by committing to the diversity at the top (Council of Europe Recommendation, 2013).<sup>117</sup>

The MPM also examines the share of women among news reporters and in news content in both private and public media. This is done by using secondary data from the Global Media Monitoring Project (GMMP, 2015).<sup>118</sup> The GMMP has been running in a large number of countries since 1995 and shows very slow progress in bringing women's voices in the news media. Also the assessment of the MPM country sample generally shows that women are not well-represented as news subjects either on- and offline, or as reporters. The majority of the countries scores high risk on the presentation of women in news (18 countries for offline and 16 for online news), while none of the countries score low risk. This means no country adequately represents women as subjects and sources in news according to the threshold set by the MPM at a share of at least 40% women. As illustrated in Figure 1.4.8., both off- and online representation stands at maximum 35% and 38% (Romania), and minimum as low as 14% and 7% (Montenegro and Cyprus).

110 Source: TV2 CSR annual report 2015. [http://monitor.cmpf.eu.eu/uploads/sources/Denmark/TV\\_2\\_CSR-redegoerelse\\_2015.pdf](http://monitor.cmpf.eu.eu/uploads/sources/Denmark/TV_2_CSR-redegoerelse_2015.pdf) and TV2 Public Service annual report 2015. [http://omtv2.tv2.dk/fileadmin/user\\_upload/pdf/public\\_service/TV\\_2\\_Public\\_service-redegoerelse\\_2015.pdf](http://omtv2.tv2.dk/fileadmin/user_upload/pdf/public_service/TV_2_Public_service-redegoerelse_2015.pdf)

111 Source: DR Public Service annual report 2015 and DR Annual report 2015 (<http://www.dr.dk/om-dr/fakta-om-dr/publikationer>); and DR Personnel policy 2008. [https://www.dr.dk/NR/rdonlyres/E853CA40-6DEE-4632-AF97-CD2767FF6236/2728010/DR\\_personalepolitik\\_webudgave1.pdf](https://www.dr.dk/NR/rdonlyres/E853CA40-6DEE-4632-AF97-CD2767FF6236/2728010/DR_personalepolitik_webudgave1.pdf)

112 SVT Gender equality policy (undated): <http://www.svt.se/omsvt/fakta/article1313222.svt/BINARY/J%C3%A4mst%C3%A4lld-hetspolicy>

113 A deeper analysis of the variable on PSM's gender equality policies will be published in the journal *Comunicazione Politica* (ComPol) in 2017. Nenadic I. and Ostling A. (forthcoming). "Public service media in Europe: Gender equality policies and the representation of women in decision-making roles". *Comunicazione Politica* (ComPol). Special issue titled "Gender, politics and the media. Lessons learned and struggles for change twenty years after the Beijing Fourth World Conference on Women" to be published in September 2017.

114 Given that the term "PSM management board" is not a standard name across countries we focused on PSM boards responsible for media content during data collection. We chose to monitor decision-making boards concerned with content, as opposed to structures with overall legal, policy or other responsibility for the broadcaster (i.e. board of directors or governors) since we assumed that more women on boards deciding about content would eventually lead to better representation of women or women's viewpoint in PSM content.

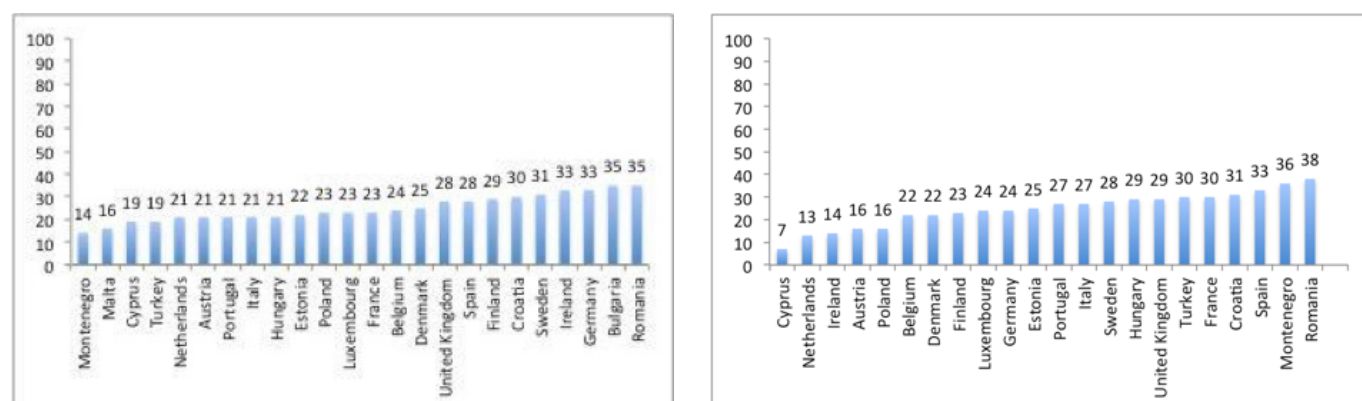
115 The representation thresholds were set as follows: high risk: 29% or less women; medium risk: 30-39% women; and low risk: 40% or more women.

116 Women constitute 64% of journalism and information graduates in EU:28, and as much as 70% in Turkey (Eurostat 2012). Moreover, the employment data for 2008-2015 in EU:28 show that the percentage of women employed in the media sector on average is oscillating around 40% (41% in 2015) (Eurostat 2015).

117 See also the Recommendation CM/Rec(2007)3 on the remit of public service media in the information society.

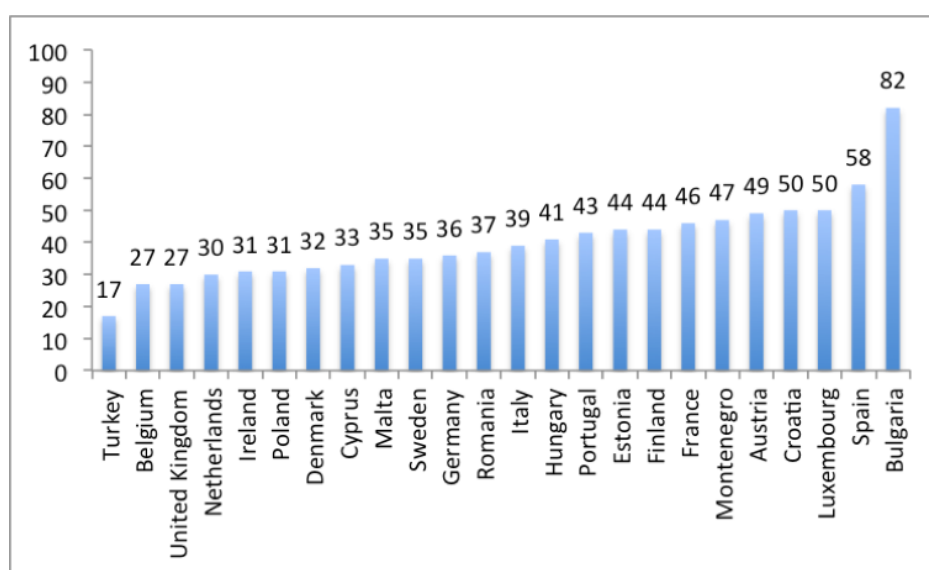
118 Please note that the GMMP data does not cover all of the 30 countries assessed by the MPM2016 on each of the three variables (136, 137, 138) in this sub-indicator.

Figure 1.4.8. The GMMP data on the presentation of women in traditional news (left-hand graph)<sup>119</sup> and in online news (right-hand graph)<sup>120</sup>



The situation is better regarding women among news reporters: only three countries score high risk. About one third of the countries (11) score low risk, having over 40% women among reporters at the time of the GMMP measurement. The data is also in line with the Eurostat data on employment for 2008-2015 in EU:28, which show that the percentage of women employed in the media sector on average is oscillating around 40% (41% in 2015) (Eurostat, 2015).<sup>121</sup>

Figure 1.4.9. The share of women among news reporters<sup>122</sup>



<sup>119</sup> The GMMP lacks data on the presentation of women in offline news for the following countries: Czech Republic, Greece, Latvia, Lithuania, Slovakia, Slovenia

<sup>120</sup> The GMMP lacks data on the presentation of women in online news for the following countries: Bulgaria, Czech Republic, Greece, Latvia, Lithuania, Malta, Slovakia, Slovenia.

<sup>121</sup> The Eurostat employment data for 2008-2015 covering EU:28 show that the percentage of women employed in the media sector on average is oscillating around 40% (41% in 2015) (Eurostat, 2015).

<sup>122</sup> Please note that the GMMP is a study of media content, and not a study of media employment. So it actually measures the percentage of women who reported the news on the day of the study, and not the percentage of women who were employed as reporters (in newspapers, radio and television news). The GMMP lacks data on the share of women among news reporters for: Czech Republic, Greece, Latvia, Lithuania, Slovakia, Slovenia.

## MEDIA LITERACY

Media literacy is a fundamental aspect of an accessible media system, and a core element of media pluralism. People need to master media literacy skills to fully enjoy fundamental rights such as freedom of expression and access to information (UNESCO, 2013). The European Commission has recently put the promotion of media literacy as one of the key follow-up actions to the Annual Colloquium on Fundamental Rights in 2016.<sup>123</sup> Moreover, the European Audiovisual Media Services Directive (AVMSD, 2010) requires both the development of media literacy in all sections of society and measurement of its progress.<sup>124</sup>

The Monitor bases its definition of media literacy on both the AVMSD text and on the European Association for Viewers Interests' (EAVI) media literacy study carried out in 2009:

“Media literacy is an individual’s capacity to interpret autonomously and critically the flow, substance, value and consequence of media in all its many forms” (EAVI, 2009). “Media literacy’ refers to skills, knowledge and understanding that allow consumers to use media effectively and safely. Media-literate people are able to exercise informed choices, understand the nature of content and services and take advantage of the full range of opportunities offered by new communications technologies. They are better able to protect themselves and their families from harmful or offensive material” (AVMSD, 2010).

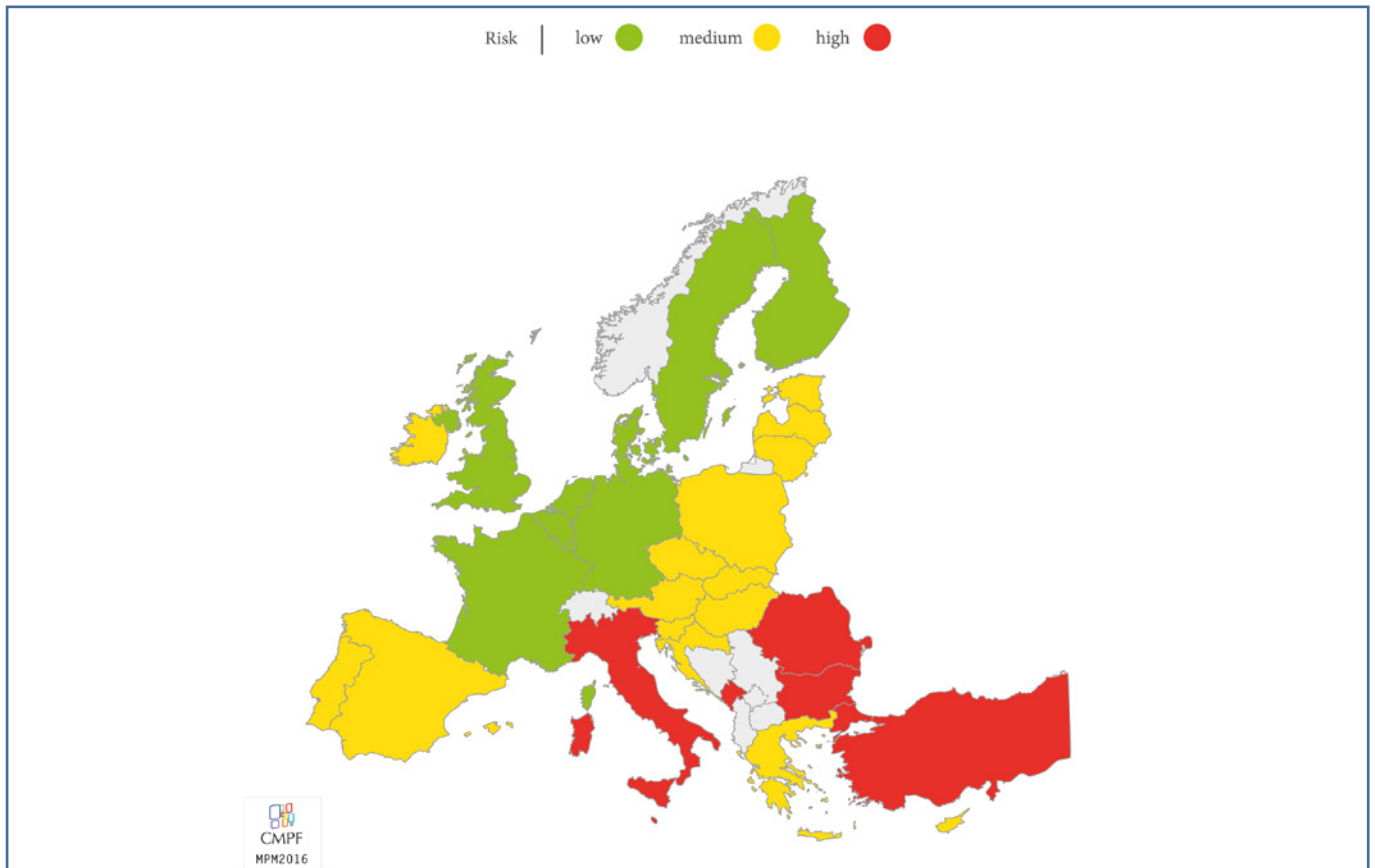
The MPM indicator covers two dimensions of media literacy: environmental factors, and individual competencies, which follow the logic of the categorization used by EAVI (2009, p. 5). EAVI defines environmental factors as a set of contextual factors that impact the broad span of media literacy, including informational availability, media policy, education and the roles and responsibilities of stakeholders in the media community. Individual competences are defined as an individual capacity to exercise certain skills (including inter alia cognitive processing, analysis, communication). These competences draw on a broad range of capabilities, and embrace increasing levels of awareness, the capacity for critical thought and the ability to produce and communicate a message (EAVI 2009).

The media literacy indicator scores medium risk on average (45%). As illustrated in Figure 1.4.10, circa one third of the countries (9) show low risk, while six countries show high risk. Examining the data in more detail, two thirds of the countries either have underdeveloped media literacy policies or no media literacy policy at all. Moreover, in most countries, limited efforts are dedicated to teaching media literacy both in and outside schools. In circa two thirds of the countries, the media literacy subject is either absent or present only to a limited extent in the education curriculum or in non-formal education. Media literacy activities are widespread across the country and across different groups of people only in seven countries.

123 European Commission (2016). “The European Commission presents follow-up actions from Fundamental Rights Colloquium on media pluralism and democracy”. Published: 9 December 2016. [http://ec.europa.eu/newsroom/just/item-detail.cfm?&item\\_id=51071](http://ec.europa.eu/newsroom/just/item-detail.cfm?&item_id=51071)

124 The AVMSD is currently under revision. The latest developments show that the European Parliament’s Committee for Culture and Education has on 25 April 2017 proposed to maintain media literacy measures in the Audiovisual Media Services Directive (AVMSD). Source: EAVI (2017). Press Release: European Parliament Votes for Media Literacy. <https://www.eavi.eu/5637/?lang=it>

Figure 1.4.10. Media literacy - Map of risks per country



The first sub-indicator assesses the media literacy environment, and covers the quality of the media literacy policy, the presence of media literacy in the education curriculum and in the non-formal education offer, and the extent of media literacy activities carried out. Two thirds of the countries do not have a fully developed media literacy environment (medium or high risk), and five countries score high risk (Malta, Bulgaria, Montenegro, Italy and Latvia).

In terms of media literacy policy, the results show that two thirds of the countries (20) have no or underdeveloped media literacy policy. Half of the countries (15) have policies in place but these are not comprehensive (medium risk). Five countries (Bulgaria, Estonia, Romania, Italy and Malta) have no media literacy policy at all (high risk). For example in Italy, there are no legal documents framing media literacy and no designated authority that oversees media literacy initiatives. There are national policies regarding the promotion of digital literacy. However, these policies focus primarily on the incorporation of technologies in the learning environment, which is not the same as media literacy. In the case of Austria, which scores medium risk, there are a lot of initiatives fostering media literacy competence among young people and improving media-pedagogical work (mainly sponsored and/or hosted by the Federal Ministry for Education, Arts and Culture). However, a comprehensive governmental strategy is missing. An expert in media literacy interviewed by the Austrian country team stresses that an effective policy is needed to foster media literacy as a key component of the mandatory school curriculum for all children and schools.

Two variables in this sub-indicator focus on media literacy education, covering both formal and non-formal education. The presence of media literacy in the compulsory education curriculum is recommended by the European Commission, and considered to be a key competency for lifelong learning by the European Parliament and the Council.<sup>125</sup> The first variable assesses whether media literacy is present in the education curriculum, as a separate subject, as a cross-cutting subject or as part of another subject (e.g. ICT or language). In two thirds of the countries media literacy is either absent or present only to a limited extent in the education curriculum (high or medium risk). It is completely absent from the education curriculum in Malta, Italy, Lithuania, Croatia and Bulgaria.

Regarding media literacy in non-formal education, the MPM defines this as learning and training which takes place outside recognised educational institutions, e.g. with community groups and civil society organizations.<sup>126</sup> In two

125 Introduction of media literacy in the compulsory education curriculum is recommended in the Commission Recommendation of 20 August 2009 on media literacy in the digital environment for a more competitive audiovisual and content industry and an inclusive knowledge society (2009/625/EC) and is part of the provision of key competences for lifelong learning, set out in the Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning.

126 Non-formal education is defined as learning and training which takes place outside recognised educational institutions (Tight 1996).



thirds of the countries (19), the media literacy subject is present in non-formal education, but only to a limited extent (medium risk). On the positive side, it is completely absent from non-formal education only in Austria, Latvia and Montenegro (high risk). In Montenegro, the media literacy expert interviewed by the country team stated that non-formal initiatives related to media literacy are sporadic and mainly carried out in the framework of very few international projects that involve civil society. The expert also underlined that support from the media and the private sector in this area is missing.

The MPM also assesses the extent of media literacy activities, such as trainings, information days and distribution of information, and more generally as education of users, especially young people, parents and teachers on media literacy. Media literacy activities can be carried out by civil society organisations, public or private bodies. The aim of this variable is to capture also what is going on in addition or outside of state initiatives. Media literacy activities are widespread across the country and across different groups of people only in seven countries. Two thirds score medium risk, which means that activities on media literacy are limited to some parts of the country or to certain groups of people. In three countries (Malta, Latvia and Montenegro) media literacy activities are hardly ever conducted.

The second sub-indicator covers individual competencies and focuses particularly on digital skills.<sup>127</sup> The assessment is based on data from a composite indicator from the European Commission's Digital Scoreboard Agenda,<sup>128</sup> which has been shaped into two variables in the Monitor: (1) digital usage skills, and (2) digital communication skills.<sup>129</sup> The former contains the measurement of individuals who have basic software skills, information skills and problem solving skills, hence focusing mainly on technical skills and on the ability to retrieve information. The latter measures digital communication skills, emphasising skills needed for exchanging information, participating (in social networks) and sharing content. As illustrated in Figure 1.4.11 more than two thirds of the countries (22) scored medium or high risk on this sub-indicator. Most of the countries are in the same risk band regarding the digital usage and communication skills.<sup>130</sup> The Figure represents the share of individuals, who are using the internet, with basic or above basic digital usage and communication skills in a given country.

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In general, formal education is linked with schools and training institutions; while non-formal education takes place with community groups and other organizations. The types of non-formal education considered are training, research and studies of media literacy.

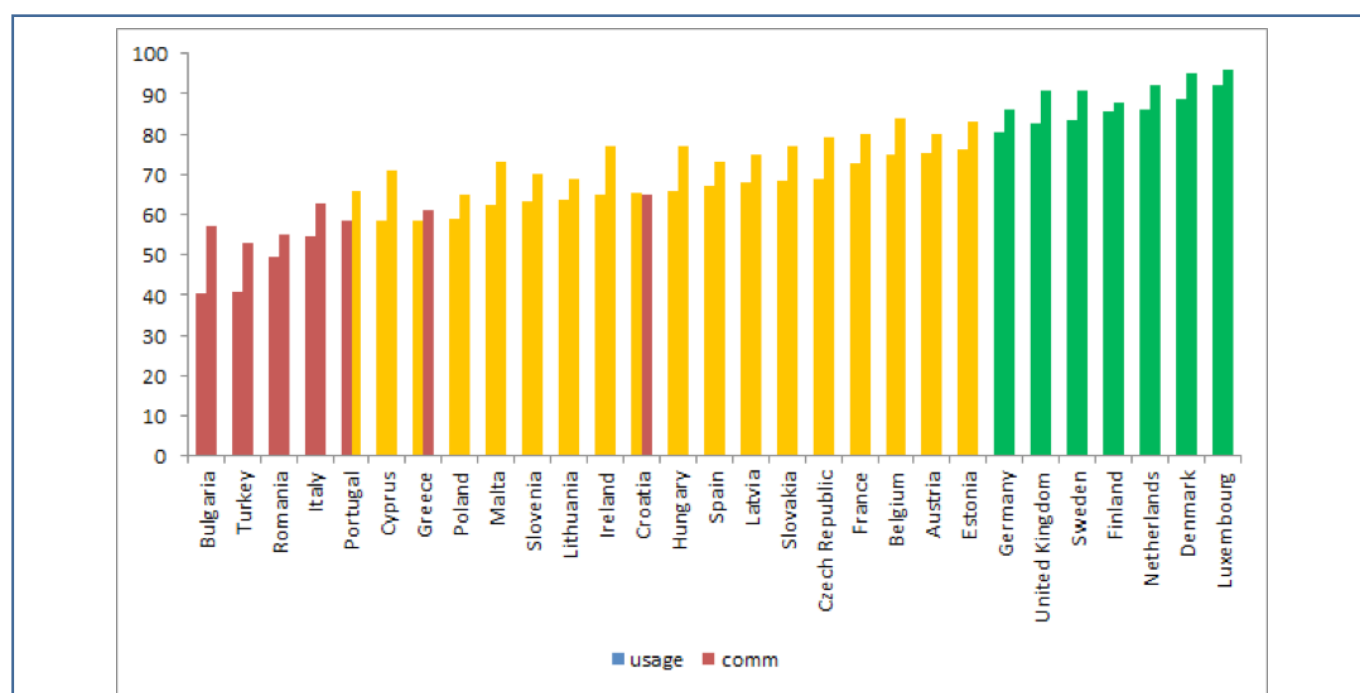
127 It is worth noting that the sub indicator does not include any direct measure of the ability to interpret or to critically assess on- or offline content.

128 "Recognising the crucial role of digital competence in today's society, the European Commission's 2010 Digital Agenda for Europe devoted a whole pillar to digital literacy, skills and inclusion." <https://ec.europa.eu/digital-single-market/en/download-scoreboard-reports> and the result was a "Digital skills indicator" in the Digital Scoreboard: <https://ec.europa.eu/digital-single-market/en/digital-scoreboard>

129 The Digital skills Indicator based on the 2015 data of the Digital Scoreboard Agenda. The accompanying methodological note is available at: <https://ec.europa.eu/digital-single-market/en/download-scoreboard-reports>

130 There are only three exceptions: Croatia and Greece are at medium risk on usage and high risk on communication skills; and Portugal is at high risk on usage and medium risk on communication skills.

Figure 1.4.11. The level of risks on digital usage and communication skills<sup>131</sup>



*Legend: The risk levels are represented by green (low), yellow (medium) and red (high risk). The first column per country represents the percentage of respondents with basic or above basic digital usage skills and the second one digital communication skills.*

Despite the fine-tuning of the MPM2016 compared to MPM2015, the MPM media literacy indicator still has considerable limits. The CMPF gathered a number of international media literacy experts for a consultation regarding the improvement of the media literacy indicator in Florence in November 2016 (see Annex II for further details about the outcome of the consultation). The experts confirmed that the main gap of the current media literacy indicator is the lack of questions on capacity of individuals to analyse, interpret and produce media messages. To capture these crucial dimensions, it is necessary to conduct an EU-wide survey of individuals, which would go beyond the MPM2017 remit.

<sup>131</sup> Source: DATASET: Individuals' level of digital skills [isoc\_sk\_dskl\_i]. TIME: 2015. IND\_TYPE: All Individuals using the internet at least once a week in the last 3 months. Country data for EU:28 and Turkey (no data for Montenegro). Eurostat (2015). [http://ec.europa.eu/eurostat/data/database?node\\_code=isoc\\_sk\\_dskl\\_i](http://ec.europa.eu/eurostat/data/database?node_code=isoc_sk_dskl_i)

## 1.5 CONCLUSIONS

The MPM2016 findings confirm most of the trends from previous test-implementations, and in particular corroborate the observation that no country is free from risks when it comes to media pluralism. Detailed results for each country can be found in the country narrative reports, as a result of the work done by the MPM2016 national country teams. While the country reports explain the context and the specificities of each media environment, the general trends emerging from the cross-cutting analysis of the data are summarised in this section.

Figure 1.5.1 The average scores per indicator for EU-28 and EU-28, Montenegro and Turkey



Figure 1.5.1 gives an overview of the average scores per indicator under each MPM area, and compares the averages per indicator in EU-28 with the averages in EU-28, Montenegro and Turkey. With the exception of the indicator on Media ownership concentration (horizontal), risk scores of EU-28 are lower than those of the EU-28 and the two candidate countries. Disaggregate data show that the very high scores of Turkey strongly contribute to raising the average risk for the indicators on Protection of freedom of expression, Protection of right to information, and Independence and effectiveness of the media authority. In contrast, the risk scores of Montenegro are in general more comparable with the EU-28 averages.

Amongst the 20 indicators of the MPM2016, concentration of media ownership, especially horizontal, represents one of the highest risks for media pluralism and one of the greatest barriers to diversity of information and viewpoints represented in media content. In addition to sector-specific economics, including high entry barriers and the ability to reap large economies of scale, another factor which has driven concentration of media ownership is regulatory leniency. A tolerant approach towards mergers and acquisitions in the media sector and the trend towards relaxation and/or abolition of ownership restrictions in several countries (e.g., the UK, Spain, and the Netherlands) have enabled large media groups to expand throughout the EU and to thereby solidify their presence in numerous media markets.

The lack of transparency is another important risk captured by the MPM on different levels and in different relations to media operations. Be it the transparency of media ownership or the transparency of state support to media, it is one of the essential preconditions of accountability and trust in the media, as well as one of the key safeguards from political and commercial interference. Many European countries still lack reliable and accessible information on who owns and controls the media. This makes it difficult for the public to understand the biases in media content and impedes a proper assessment of risks for media pluralism. It is therefore of utmost importance to make data on media ownership available and to support studies on the political affiliations of media owners. As a first step, all national regulatory bodies that are concerned with media should be entrusted with the task of collecting and making publicly accessible (online) data on media ownership. Moreover, to ensure the independence of media, governments should make data on allocation of state subsidies and advertising fully transparent. The MPM results show that currently only a few countries have a system in place for doing so.

Regarding the basic conditions for media pluralism, the MPM2016 illustrates a generally positive picture of the situation in Europe. Most of the indicators in the area of Basic protection score low risk on average (see Figure 1.5.1) and the regulatory framework on freedom of expression is in line with international standards in most of the analysed countries. However, the basic guarantees for an “enabling environment” for freedom of expression and journalism are deteriorating in a growing number of countries. This is mainly due to the chilling effect of awarding high damages and to the criminal legislation on defamation, and to limitations to freedom of expression on the basis of national security requirements or state of emergency situations. The situation in Turkey is an example of particular concern in this respect, and its risk scores in the Basic Protection area as a whole are especially high.

The MPM2016 also shows that basic guarantees for journalists are not fully ensured across Europe. The indicator on the Journalistic profession, standards and protection scores an average 30%, which is a significant level of risk, despite belonging within the low risk band. In particular, the editorial autonomy stands out as one of the most vulnerable aspects of media systems, susceptible to both commercial and political influences. Regulatory or self-regulatory provisions on the autonomy of journalistic and editorial work are present in most of the examined countries. However, they are usually insufficient or inefficient in ensuring that journalists and editors operate in an independent and free environment. Particularly neglected is the role of editors-in-chief. Bearing in mind that this person holds the responsibility for editorial policies and operations, and stands between the newsroom and the owner (who might have different political or commercial interests) it is alarming that most countries have no safeguards to guarantee neither involvement of the newsroom nor autonomy when appointing and dismissing editors-in-chief. There is at least occasional interference in relation to these procedures in almost two thirds of examined countries. Even in some countries where there is no evidence of unwanted influence, the related decisions are usually made behind closed doors, especially in case of private media companies.

The PSM have more obligations to ensure independence in appointing and dismissing editors-in-chief, and more monitoring is done in this regard. Nevertheless, political interference is still reality in many European countries. The MPM2016 confirms the findings of the two MPM pilot studies carried out in 2014 and 2015, suggesting that there are relatively high risks of politicization of PSM through appointment procedures, not only of editors but also of people in managing and board functions. A stronger independence from political interests would help the PSM to strengthen their role in a media landscape that is facing increasing disruption.

Overall, to ensure appropriate standards on editorial autonomy, the role of the organisation in both private and public “media companies” must be acknowledged as being essential for media pluralism.

Independence is needed also as regards the governance of the media system. The MPM2016 data show that media authorities, notwithstanding their political appointment, are overall perceived (with some remarkable exceptions) as effective in regulating the media market. However, they often face strong political pressures. Clearer European standards on the media authorities’ competencies could help in strengthening the legal protection against instrumental political interferences.

Transparent and independent media systems are necessary but not sufficient for achieving pluralism. Also the diversity of the people living in Europe has to be reflected in the content and in the organisation of media. Social inclusiveness is the area where the MPM reveals the highest risk, after Market plurality. The risks relating to access to media for minorities and for women are particularly high. The MPM shows that women are underrepresented in managerial positions in media organisations, and in news content. Many of the assessed countries are also failing to provide adequate and proportional access to media for the numerous minorities residing in the European Union. Moreover, the analysis points to gaps in regulatory safeguards for local and community media across Europe, as well as a complete lack of community media in certain countries. This raises serious concerns, since decentralized and community media are particularly important for local democracy, and because local and regional news outlets are currently struggling to survive.

Finally, the MPM reveals significant risks relating to media literacy. An overwhelming majority of European countries either have an underdeveloped media literacy policy or no media literacy policy at all. Most countries are also dedicating limited efforts to teaching media literacy in and outside schools, while only a few countries showcase widespread media literacy activities across different socio-cultural groups. Overall, the MPM analysis and the consultation with international experts in the field reveal that a proper assessment of media literacy in Europe necessitates the implementation of an EU-wide survey of individuals in order to evaluate the capacity of individuals to analyse, interpret and produce media messages. In terms of policy measures, the EU Member States should ensure that they have comprehensive media literacy policies in place and that these put an emphasis on developing critical skills of citizens across different age groups and different socio-economic backgrounds. Moreover, Member States should make media literacy an obligatory topic in the primary and secondary school curricula, and invest in teacher and educator training to ensure an adequate level of education in media literacy. At the EU-level, the CMPF recommends that the EU puts responsibility on Member States to promote media literacy in their countries. Moreover, measures at country and EU levels to enhance critical skills of online users are crucial for media pluralism.

Overall, the findings of the MPM2016 implementation confirm that no EU Member State is free from risks to media pluralism. The observed risks are best understood considering the specificity of each country context, including its distinct media and political systems. At the same time, measuring risks to media pluralism is an essential exercise for the promotion of both media pluralism and media freedom. By doing this, the MPM provides a basis for further analysis by researchers and civil society and for policy-making, with the ultimate aim to foster an informed and democratic debate on the future of our media.



## 2. METHODOLOGY. THE RESEARCH DESIGN

**The Media Pluralism Monitor organises the risks for media pluralism into four main areas: Basic Protection, Market Plurality, Political Independence and Social Inclusiveness.** This categorisation allows for an assessment that encompasses the different components and meanings of “media pluralism”. These areas are assessed according to the scoring of **20 indicators and 200 variables** in total.

The research design of the MPM is based on a **questionnaire** that is compiled by the **national country teams**, which consist of experts in media pluralism and media freedom. The questionnaire is composed of **legal, economic and socio-political questions** in order to allow an assessment of media pluralism risks in any given country, taking into account the legal framework, its implementation, and the effective conditions of the media landscape. Legal and socio-political questions are closed, while economic questions ask for a numeric value that is translated into a level of risk.

For a number of particularly sensitive and complex indicators the MPM employs an external peer review, called Group of Experts. This **group of experts**, which includes national stakeholders and experts in the area, **conduct a review of the answers to questions that require a qualitative type of measurement and/or cannot be based on measurable and easily verifiable data.**

Data for MPM2016 was gathered through a structured questionnaire with closed questions (except for the economic questions, but benchmarks are set for these in order to calibrate them into qualitative answers – please see the ‘User Guide’ in the appendix IV for details). This method allowed for the gathering of both quantitative and qualitative data, which proved to be crucial in assessing the risks for media pluralism in the EU. Additionally, this method allowed the quantitative analysis of answers and the production of a numerical risk assessment, which is important in order to obtain comparable results across countries.

The data is collected using an online platform that was developed by the CMPF. The CMPF checks and supervises the quality and consistency of the data collected and of the methodology used.

The final assessment per area of risk is carried out using a standardised formula, that was developed by the CMPF.

Each variable is assessed by a question and receives a score from 0 to 1 according to the specific answer. The legal questions (yes/no replies) are rated 0 or 1. The other variables (three-option replies) are rated 0/0.5/1 according to the band into which the reply falls. The overall result is the average of variables of the same question type.

The MPM is a holistic tool designed to identify the potential risks to media pluralism in Member States. The research design of the MPM2016 was developed and tested during the two pilot implementations of the Monitor in 2014 and 2015. The MPM2016 mostly focuses its analysis on news and current affairs. However, it must be noted that, as in previous MPMs (2014 and 2015), “all indicators that assess the general universality of media coverage and the outreach of the diffusion of information” (CMPF, 2015 and 2016) are included in the MPM2016. “They are considered to be basic indicators that are relevant to the infrastructure and universality principles as a whole” (CMPF, 2015 and 2016). In particular, indicators on access to media for minorities, people with disabilities, and media literacy, are preserved as part of this holistic principle.

In order to meet the challenges emerging from this periodic large scale comparative analysis, the MPM2016 is mostly informed by secondary data, collected through a questionnaire, and supplemented with primary data gathered through interviews and document analyses (e.g. of legal and academic texts), together with a group of experts’ evaluation of the variables that were difficult to measure and/or that required a qualitative type of measurement and/or showed a lack of measurable and easily verifiable data. In addition, the first MPM pilot-test implementation (2014) revealed that there are many reliable, available materials which can be used as primary and secondary sources, e.g., national laws, case law, decision practice, governmental documents, NGO reports, official statistics, and academic research. Therefore, the secondary data analysis has proved to be a useful approach to ensure reliable and valid findings in the context of this project.

## 2.1 MPM2016 STRUCTURE AND CALIBRATION

All of the questions in the MPM2016 questionnaire have been classified as variables. Variables are grouped into sub-indicators, and sub-indicators into indicators, which are integral parts of each MPM2016 area.

In addition, each question in the questionnaire has been classified as belonging to one of the four question types: Legal existence (L-e) questions, focused on whether or not a particular provision exists in a country's legal framework; Legal implementation (L-i) questions, designed to examine whether due process is in place to ensure the effectiveness of the legal safeguard; Socio-political (S) questions examine the actual practice (i.e., a reality check); while economic (E) questions were designed to assess the risk based on the economic data (e.g., market revenues, audience shares) that are related to media pluralism.

In order to determine the risk for each variable, sub-indicator and indicator, a standardised formula has been applied to the entire MPM2016 questionnaire. The formula was designed by drawing from previous studies in which indices were based on a list of questions/indicators where answers were calibrated on a scale from 0 to 1 (e.g., Gilardi, 2002; Hanretty, 2009). In other words, in the process of calibration quantitative and qualitative answers of both dichotomous (e.g., yes - no) and polychotomous (e.g., low, medium, high risk) nature have been transformed into a scale ranging from 0 to 1, assigning values to the answers of the Monitor.

Each variable received a score from 0 to 1, according to the answer to the specific question, with scores closer to 0 pointing to a low risk assessment, and those closer to 1 pointing to a high risk assessment. Specifically, answers to the Legal-existence (L-e) questions, whose response type was yes/no, were coded as 0 or 1. Questions with a three-option reply (low, medium, high risk) were coded as 0, 0.5 or 1, according to their risk assessment. The same calibration was applied to the Economic questions (E), whose answers were firstly transformed into qualitative replies (low, medium, high risk), based on set benchmarks.

The MPM2016 kept the innovation of the second round of piloting (MPM2015) - the possibility to answer using the options 'not applicable' and 'no data' to all questions. The option 'not applicable' has been introduced to better capture the specificities of the national contexts and to allow for the exclusion of questions which are irrelevant, or that are not applicable to a country's media system. For example, if a country does not have any state subsidy to media, the questions relating to existence and implementation of the legislation to ensure fair and transparent allocation were coded as 'not applicable'. This reply option was also used with logically dependent variables. For example, if the variable question asks whether there is a media law that aims to secure the pluralism of political viewpoints in the PSM reporting, and the answer to this question is 'no', then the following variable which asks about effectiveness of the law has also been coded as 'not applicable'. It was decided that all questions coded as 'not applicable' would be excluded from the final calculation.

As the previous implementations have shown, some of the economic data are missing across many of the EU Member States, and in order to better capture this information, the Monitor allows the option of a 'no data' answer. Following the choice of this answer, the country teams were asked to evaluate whether the lack of data represents a transparency problem within their national context, i.e., to evaluate whether the lack of data should be seen as being problematic in their country. In this way also, the specific characteristics of the national context were accounted for, since there may be a variety of reasons why certain data are not available/accessible across EU Member States and Candidate Countries, and not all of these reasons may be causes for concern.

In order to ensure that all 'no data' answers contributed to national risk assessments in the same way, a standardised procedure to assign values to the 'no data' answers was developed by the CMPF. According to this procedure, each 'no data' answer was coded and assigned one among the following three possible values:

- 1) Low Risk: a value of 0.25;
- 2) High Risk: a value of 0.75;
- 3) Missing data are interpreted as a 'not applicable' answer and are excluded from the analysis.

The number of the 'missing data' values was limited, as much as possible, and was adopted only as a residual category in cases where comments that evaluated the reason behind the lack of data were missing, incomplete, or were impossible to interpret.

In other cases, the following procedure was applied:

Firstly, if the team member took a position in the answer, indicating that a high risk is present, or, in contrast, that the lack of data is not problematic, the CMPF has followed this suggestion and has coded the 'no data' accordingly, with either a low or a high risk value. In cases where the answer was vague, or where its meaning had to be deduced, the following criteria were considered:

- a) Taking into account the local context: If the data are not collected because they are considered to be of limited interest, e.g., because the country is too small to collect detailed information, because a particular medium has a very limited reach, etc., a 'low risk' value was assigned
- b) If there is a legal requirement to collect the lacking data, a 'high risk' value was assigned
- c) For questions concerned with the audience data and the revenue/market share data:
  - if the country presents data on audience, but not on revenues/market share: the market share data is excluded from the analysis, i.e., the answer is given a 'missing data' value, meaning that the findings are based on the audience variable alone. In other words, the revenue data are considered to be optional.
  - if the country presents data on the revenues, but not data on audience shares: the lack of audience shares data is coded as being 'high risk' in all cases, since it is the standard reference for the market.
  - if the country produces neither data on the audience, nor on the market share: according to above mentioned rules, the lack of audience shares' data is coded as being 'high risk', and the lack of market shares data as being 'missing data'

All 'no data' assigned values have been double coded, meaning that two independent coders assigned to each 'no data' answer one of the three values. In cases where the coders disagreed, a discussion was held between the coders until a consensus about the final value was achieved.

## MPM2016 AGGREGATION METHOD

The aggregation method relied on the approaches used in previous studies (for an overview see Hanretty and Koop, 2012), but taking into account the traditions and logic of the Media Pluralism Monitor project. Specifically, the method based on the mean of the item scores, used as the most common aggregation method in calculating indices, was updated to take into account the logic of the MPM, which has traditionally relied on the groupings of legal, socio-political and economic indicators. Consequently, the procedure for establishing the risk assessment of an indicator was as follows:

- 1) calculate the mean of L-e variables within the sub-indicator
- 2) calculate the mean of L-i variables within the sub-indicator
- 3) calculate the mean of 1) and 2). This is the value of the L within the sub-indicator (the L variable is 'e' or 'i' according to the type of opening question/variable)
- 4) calculate the mean of E variables within the sub-indicator
- 5) calculate the mean of S variables within the sub-indicator
- 6) calculate the mean of 3), 4) and 5). This is the result of the sub-indicator.
- 7) the value of the indicator is the mean of all its sub-indicators.

Finally, the risk assessment of the area is calculated as the mean of all its indicators (five per area). It should be noted that all values were presented as percentages for ease of use and interpretation (e.g., a score of 0.46 is presented as a risk of 46%).

The results for each area and indicator are presented on a scale from 0% to 100%. Scores between 0 and 33% are considered low risk, 34 to 66% are medium risk, while those between 67 and 100% are high risk. On the level of indicators, scores of 0 were rated 3% and scores of 100 were rated 97% by default, to avoid an assessment of total absence or certainty of risk. This trimming of the extreme values, as a methodological novelty of the MPM2016, has been developed in a collaboration with Gianni Betti<sup>132</sup>, Professor of Statistics at the University of Siena.

132 Gianni Betti: <https://www.deps.unisi.it/en/departement/staff/faculty/gianni-betti>

The procedure for determining the risk assessment of variables, sub-indicators, indicators and areas, detailed above, allowed the MPM to benefit from a standardised formula for all levels of the Monitor. This enhanced the comparability of results among the different levels of the Monitor, decreased the arbitrariness in assessing the risk assessments of the various indicators, and, overall, this increased the validity and reliability of the findings. Furthermore, this formula also contributed to establishing a better balance between the evaluation of the legal framework (L variables) with the evaluation of the actual practice, captured by socio-political and economic variables. Finally, the MPM formula also enabled the establishment of risk assessments which are better tailored to the specificities of the national contexts (through the introduction of the 'not applicable' and 'no data' answers). In this way, the differences between the Member States were better captured and reflected in the risk scores.

## 2.2 DATA COLLECTION

Given that the MPM's research design rests on two main methods - a questionnaire and a group of experts' evaluation - two main types of data were collected during its implementation - answers to the questionnaire, and comments from the experts engaged in the evaluation of the answers.

### THE QUESTIONNAIRE

The MPM2016 questionnaire was answered by national teams that were composed of renowned experts in media pluralism and media freedom in each of the countries analysed, excluding Italy and Malta, for which the data collection was carried out by the CMPF team. As in previous pilot implementations, cooperation with national teams of experts proved to be essential during the implementation of the MPM2016. Firstly, due to the necessity of relying on secondary data, which is often in the native language, it was essential to have local experts who were able to collect these data, but also to evaluate their reliability and validity. Another benefit of using a local team to implement the Monitor was the ability to build on their access to their local networks, particularly access to the local stakeholders. Given that one of the objectives of this project is to establish and maintain contacts with the relevant stakeholders, local teams' input in growing the network of informed stakeholders who join in the discussions on media pluralism, proves to be invaluable. Finally, local teams are fundamental in providing answers to socio-political questions. In answering some of these questions, local teams have to provide their expert evaluation, since objective ways of measurement are sometimes missing. Hence, having a reliable and independent local team which consists of renowned experts in this field, was crucial for the implementation of this project.

Figure 2.2.1. Local team leaders that carried out the implementation of the MPM2016

COUNTRY	INSTITUTION	KEY PERSON
Austria	Institute for Comparative Media and Communication Studies (CMC)	Josef Seethaler
Belgium	KU Leuven	Peggy Valcke
Bulgaria	Foundation media democracy	Orlin Spassov
Croatia	Institute for Development and International Relations (IRMO)	Paško Bilić
Cyprus	University of Nicosia	Christophoros Christophorou
Czech Republic	Charles University	Vaclav Stetka
Denmark	Roskilde University	Ida Willig
Estonia	University of Tartu	Halliki Harro-Loit
Finland	University of Jyväskylä	Ville Manninen
France	Sciencepo	Thierry Vedel
Germany	HIIG & Hans Bredow Institut	Hermann Schroeder
Greece	ELIAMEP	Evangelia Psychogiopoulou/ Anna Kandyla
Hungary	CEU/CMDs	Amy Brouillette
Ireland	Dublin City University	Roddy Flynn
Italy	European University Institute	CMPF
Latvia	Riga Stradins University	Anda Rozukalne
Lithuania	Vytautas Magnus University	Aukse Balcytiene
Luxembourg	University of Luxembourg	Raphael Kies
Malta	European University Institute	CMPF
Montenegro	Media Consultant	Dragoljub Vukovic
Netherlands	Centrum voor Recht & ICT – Rijksuniversiteit Groningen	Mathieu Paapst
Poland	University of Krakow	Beata Klimkiewicz



Portugal	Universidade Nova de Lisboa	Francisco Rui Nunes Cádima
Romania	Median Research Centre & CEU	Marina Popescu
Slovakia	Pan European University	Zeljko Martin Sampor
Slovenia	University of Ljubljana	Marko Milosavljević
Spain	Universitat Ramon Llull	Pere Masip
Sweden	University of Gothenburg	Mathias A. Färdigh
Turkey	Galatasaray University	Yasemin Inceoglu / Ceren Sözeri
United Kingdom	University of Westminster	Jelena Dzakula

Local teams provided answers to the questionnaire, accompanied by comments in which the rationale for the answer was described, and the sources on which the answer was based. This was inserted on the online platform designed and further developed during the pilot-test implementation (2014, 2015). The platform allowed for centralised data collection and the comparison of answers, and it is an invaluable asset in a cross-national comparison of this scale. The platform contains not only the questionnaire and the answers to it, but also detailed descriptions of variables/questions, suggested databases and methods of measurement, a glossary of definitions, FAQs, and other elements which were designed in co-operation with local teams in order to facilitate data collection and to ensure its comparability and high quality.

Another benefit of the online platform as a centralised data collection vehicle was that it allowed the CMPF to continuously monitor the progress of the data collection, in order to verify the quality of the responses, and to provide feedback to the local teams on how to review their answers in order to increase their quality and/or comparability. Specifically, during the data collection of the answers to the MPM2016 questionnaire, the quality and comparability of the answers was checked by the CMPF following two checkpoints, one at the end of May. When 50% of the answers for the questionnaire were due, and another at the end of June, when 100% of the answers to the questionnaire were due. Frequent centralised verifications of the local teams' answers were necessary in order to ensure that all of the teams had understood a question in the same way, that the sources used for the answers were relevant and adequate, and that the evaluations of the answers were carried out and were based on the same criteria across countries. In addition, frequent validation points have ensured that the final datasets are as complete and comparable as possible, and also that the time-frame and deadlines for the project were followed and respected.

One of the biggest challenges of the MPM in general is to ensure the validity and reliability of the data, which were based on the evaluations and answers to those questions for which no objective measurement exists. Building on the experience of the pilot-test implementations, this implementation also relied on the revision of particularly sensitive and/or difficult to measure questions by national experts and stakeholders. This part of the research design ensured that the validity of the results was increased, and that relevant stakeholders had a say in the project and an opportunity to share their views and opinions.

## GROUP OF EXPERTS' PROCEDURE

The procedure for the group of experts' evaluations is now already a standard. The process starts by the local teams' nomination of seven experts and stakeholders in the national media system. All local teams are asked to nominate specialists with substantial knowledge and experience in the field of media, who have a good reputation in their professional community. The group of national experts is supposed to consist of experts from various fields, namely:

- 2 Academic/NGO researchers on social/political/cultural issues that are related to the media;
- 1 Academic/NGO researcher in media law and/or economics;
- 1 Representative of the media regulators;
- 1 Representative of a journalists' organisation;
- 1 Representative of a publishers' organisation;
- 1 Representative of a broadcasters' organisation.

The aim of this specific composition of the group of experts is to ensure that all of the relevant stakeholders are represented, and their views taken into account.

Once the group of experts for a particular country is defined and confirmed, experts are given access to the MPM2016 platform and the questions that they are supposed to evaluate. These questions, and the local teams' answers to them, are previously checked by the CMPF team and, if needed, revised in collaboration with the local team. Hence, the answers to the questions that are subjected to the experts' evaluations are as complete as possible and they are motivated by comments and sources before the experts are given access to them.

Once they are granted access, the experts are asked for confirmation of the accuracy of the country team's evaluation. Each member of the group of experts records her/his agreement or disagreement with the scoring on the MPM platform, or, alternatively, they have the option to declare that a specific question does not fall within his/her field of expertise. In a case when an expert disagrees with the scoring, s/he needs to provide a short written explanation and a suggestion for an alternative score on the platform. Once experts complete their evaluations, the country teams are asked to review the feedback of each member of the group of experts and to take their views into account when providing the final answer to the questions that is subjected to expert evaluation. Country teams do not necessarily need to change their answers if any of the experts disagree with their initial answer, but if this is the case, they are asked to explain why they have decided to keep their original answer and to address, in a comment to the final answer, any disagreement that is expressed by the experts involved.

Although the procedure described above ensures that this part of the methodology is applied to all countries' data in a standardised and consistent way, which increases the comparability of the findings and the robustness of the method, several challenges were faced in its implementation. In the first place, a problem was detected in regard to nominations in small countries, in which some of the organisations whose representatives were sought did not exist, or where there is limited availability. In such cases, exceptions were made, and their group of experts consisted of fewer than seven representatives. Additionally, another challenge which was faced was in ensuring the nominated experts' participation. Given that the Monitor's language is English, some experts faced language barriers, while some others weren't able to participate due to time constraints and previous engagements. Due to the time constraints of the project, the decision was made that the group of experts' procedure was considered finished, either by the fact that all of the nominated experts had participated, or that each question has been evaluated by more than half of all experts (i.e., four of seven) by the time that the data collection had to close in order that the project meet its deadlines.

The group of experts, both as a method and as an activity involving stakeholders, proved to be of great value to the project. From the methodological perspective, this procedure ensures higher reliability and the validity of answers to particularly sensitive and/or difficult to measure questions. Experts also contribute to data collection by providing alternative information and sources, which the country teams might not have initially take into account. Finally, by employing this procedure, it is ensured that a range of opinions from the most relevant stakeholders within a media system are acknowledged and made known. The group of experts' procedure is also beneficial to the project as an activity through which relevant stakeholders are not only informed about the project, but are also able to be actively engaged in it.

## 2.3 IMPROVEMENTS FROM MPM2015

The MPM2016 methodology is the result of a thorough analysis of the shortcomings in two rounds of the Monitor's pilot testing. A first revision, following the first pilot implementation in 2014, was based on the SMART criteria. The CMPF asked the local teams of the initial 9 selected countries to score and assess the validity of each of, back then, 34 indicators:

- Specific (if it had a sufficiently precise meaning, and a clear and direct link with media pluralism);
- Measurable (if the indicator could be expressed by quantitative or qualitative scores);
- Achievable/Attainable, if data were available or it were technically possible to obtain data within a reasonable time frame and at a reasonable cost;
- Result-oriented: if it were feasible to define reliable border values; if there were general agreement over interpretation of results;
- Time-bound: data can be collected frequently enough to inform the progress and influence the decisions (data on this criterion were not provided by all the teams, as it was not mandatory to reply to the related question, since the MPM was supposed to measure the status of media pluralism at a given moment in time).

In general terms, the analysis of the SMART data showed that legal indicators were assessed as being the most clear and specific, and were well selected and useful, for the specific purpose of assessing the risks for media pluralism. A better differentiation between the existence of legal measures and their implementation was suggested. All of the economic indicators were generally assessed as having a clear and direct link with media pluralism and freedom. Some questions were raised on the availability of the data requested, on the clarity of the methodology for measurement, and on the need to better differentiate the indicators, depending on whether they were applied to small or big countries. The socio-political indicators were generally assessed as effectively describing the most important aspects of media pluralism and media freedom. As formulated, they had a sufficiently precise meaning, but they were the most problematic in terms of measurability and attainability.

Building on these reflections, the CMPF analysed the logic of the Monitor and made an additional effort to further simplify it, in order to obtain a more balanced, user-friendly and streamlined tool. In some cases, major revisions were carried out that were based on the SMART analysis. The MPM2016 further took into consideration reflections during the MPM2015 pilot testing, as well as the current academic and policy debates on media pluralism topics, and, in particular, improvement of the measurements of pluralism in the digital world.

Unlike the previous pilot editions, the MPM2016 no longer contains sub-variables to assess the effectiveness of implementation of legal measures. Instead of repeating the same list of sub-variables along the Monitor, the revised version simplifies the procedure. The implementation of the legal framework is now being assessed with a single variable and, in order to assess it as effective, several or all of the following aspects have to be satisfied: availability of a designated body monitoring compliance with the law; this body having sanctioning/enforcement powers in order to impose proportionate remedies (behavioural and/or structural) in case of non-respect of the law; effective use of these sanctioning/enforcement powers; availability of appeal mechanisms with regard to the decisions of the designated body; and the effectiveness of these appeal mechanisms, including the fact that they are not systematically misused to delay the enforcement of remedies.

### DIGITAL INDICATORS

CMPF is engaged in a permanent debate with other academics and institutions who are discussing these topics in order to find suitable solutions for the measuring of the plurality of the offer and of the consumption of information online, with a special focus on the role of the online intermediaries. Several new variables have been introduced in 2015 to strengthened the capacity of the MPM to assess online related types of risks (the safety of journalists, and the violation of freedom of expression online; the ownership concentration of Internet content providers and Internet service providers; net neutrality; the access to, and quality of, the Internet infrastructure; the use of the Internet, and digital skills).

Building on the experience of 2015 exercise, the MPM2016 further expanded the scope of measurement of online related risks to media pluralism. For example, in the Basic Protection area, a specific assessment of respect for the rule

of law as regards freedom of expression online was requested, as well as an assessment of arbitrary filtering, blocking and take down practices by governments and online intermediaries. In the Political Independence area MPM2016 introduced the variable that explores whether the existing self-regulatory measures consider online activities of media and individual journalists, or whether media organizations are developing new digital-specific self-regulation to increase accountability and to reduce the risk of undue influences. The reasoning for this derives from the notion that self-regulation usually offers more flexibility and adapts more easily than state regulation in safeguarding editorial autonomy in ever changing conditions of online media environment.

Still, measuring pluralism in the digital world remains a very challenging task, and the best method for measurement remains to be found. One of the most pressing issues is the lack of reliable and comparative data that would enable assessment of particularly important issues for online pluralism in recent years, including (Nenadic and Ostling, 2016):

- The role of online intermediaries (such as search engines, news aggregators and social media);
- Concentration of Internet service providers (ISPs) and Internet content providers (ICPs)
- Media and digital literacy, focusing on the ability to interpret and to critically assess online content, as well as on skills needed to contribute the content production and dissemination

Therefore, the methodological effort of the CMPF to design adequate variables and to identify reliable and comparable data sources for digital indicators is ongoing.

## UPDATE OF THE USER GUIDE AND ENHANCEMENT OF THE ONLINE PLATFORM

The MPM platform, developed by the CMPF during the two pilot-test implementations, has been made more user-friendly both for the CMPF team that coordinates the data collection and carries out the analysis, and for the national country teams that feed the database. The existing platform of the MPM tool contains the questionnaire, the user-guide, the instructions for the country teams, and also incorporates the procedure for the assessment by external experts. The main novelty introduced in 2016 is the chat option that allowed for the direct, real time communication between the country teams and the CMPF on specific issues under each variable. This feature particularly facilitated the process of data verification.

## 2.4 CHANGES INTRODUCED PER AREA

Alongside the general methodological improvements that are described above, a number of changes were made to the MPM tool in order to improve the scope, the structure and the coherence of the areas, the indicators, and the variables. While the general approach of the MPM remains the same, its restructuring into four areas, 20 indicators and 200 variables has made the tool even more balanced, user-friendly and more accessible to a broader public.

Variables, which were found to be problematic during the two pilot-tests, have either been modified or re-worded, and an attempt was made to better define what was being measured in order to allow a more precise outcome. As a result, some variables which were considered problematic, or that were simply too vague, were either removed or broken down into different questions. Furthermore, a number of variables, which were not present in the MPM 2014 and 2015, but which were considered to be important in capturing risks to media pluralism and freedom today, were added, including, for instance, the allocation of state subsidies to media and the assessment of filtering and/or monitoring and/or blocking and/or removing online content in an arbitrary way.

### BASIC PROTECTION AREA

The Basic Protection area has kept its focus on freedom of expression, freedom of information, status of journalists and independence of the media authority. The new indicator under this area is Universal reach of traditional media and access to the Internet, which was shifted to this area from Social Inclusiveness (Universal coverage of the PSM and the Internet in MPM2015). It includes two variables on net neutrality that in MPM2015 were under the indicator Media ownership concentration (horizontal), in the Market Plurality area.

In MPM2016 the variables within the indicator on Protection of freedom have been regrouped to better highlight various sub-indicators: Respect of freedom of expression international standards, Guarantees for freedom of expression online and Proportionate balance between protection of freedom of expression and dignity. The indicator is enhanced with two variables under the sub-indicator on freedom of expression online, relating to filtering, monitoring and/or blocking and/or removing online content practices by member states and Internet intermediaries.

The indicator on Journalistic profession, standards and protection was slightly streamlined, as the few variables on editorial autonomy were transferred to the relevant new indicator under Market Plurality.

The indicator on Independence and effectiveness of the media authority is the result of a significant reduction of the MPM2015 indicator on Independence of national authorities, that aimed to assess the level of risks for media pluralism deriving from the level of independence of three authorities (media, competition and telecommunication) dealing directly or indirectly with the media market. The MPM2015 indicator was found to be particularly problematic due to its composite structure, because it was considered to be disproportionately large if compared to other indicators, and it was found to produce unreliable findings. The MPM2016 indicator focuses, then, only on the Media authority. The country teams were asked to consider the authority that has regulatory competences in the media market and, in case of concurring authorities, to consider as relevant the authority that is part of EPRA or ERGA.

Figure 2.4.1. The list of indicators of the Basic Protection area - MPM2015 and MPM2016

MPM2015	MPM2016	NOTE
Protection of freedom of expression	Protection of freedom of expression	<i>New emphasis on online freedom of expression</i>
Protection of right to information	Protection of right to information	
Journalistic profession, standards and protection	Journalistic profession, standards and protection	<i>variables on editorial autonomy shifted to market plurality</i>
Independence of national authority(ies)	Independence and effectiveness of the media authority	<i>focus on one relevant authority</i>
	Universal reach of traditional media and access to the Internet	<i>moved from social inclusiveness. Added net neutrality from Concentration of media ownership.</i>



## MARKET PLURALITY AREA

Compared to the MPM2015, the most significant novelty of the Market Plurality area is the introduction of two new indicators: Commercial influence over editorial content and Media viability. The other three, though slightly amended, are based on the same rationale as their ‘predecessors’.

The new indicator Commercial influence over editorial content seeks to assess risks to media pluralism that arise from the qualitative dimension of ownership concentration, that is, commercial influence over editorial content. To this end, variables have been introduced to evaluate a given media landscape in the light of a number of practices that may undermine editorial freedom. More particularly, the indicator includes variables that assess, inter alia, mechanisms granting social protection to journalists in cases where ownership and/or the editorial line change, laws prohibiting advertorials, regulation stipulating the obligation of journalists and/or media outlets not to be influenced by commercial interests and, more generally, whether the media in the landscape concerned is governed by practices whereby commercial interests dictate or heavily impact editorial decisions.

Media viability, as a novelty of the MPM2016, draws from relevant work undertaken by UNESCO, that emphasizes the importance of a supportive environment for the emergence, development, and continuance of media.<sup>133</sup> This indicator mainly assesses market revenue trends in four different sectors, namely television, radio, newspaper publishing and online advertising. By total revenues we mainly refer to revenues generated through traditional streams, including advertising revenues, revenues from newspaper circulation and revenues from the sale of media rights. Yet, the indicator for media viability also includes a variable seeking to assess whether media companies operating in the market under examination are currently developing non-traditional revenue streams.

The indicator on Transparency of media ownership has been amended to distinguish between transparency obligations vis-à-vis the public and vis-à-vis the public authorities, which was not the case in previous editions of the Monitor where these two dimensions were part of the same subindicator. The reason for introducing this change to the Monitor is two-fold. First, rules ensuring transparency vis-à-vis the public authorities and rules ensuring transparency vis-à-vis the public at large serve different purposes. The former enable the competent authorities to effectively apply sector-specific regulation, including regulation restricting ownership and regulation preventing interference with editorial independence.<sup>134</sup> The latter enable citizens ‘to form an opinion on the value to be given to [...] ideas and opinions disseminated by the media’, thereby contributing to building a more effective citizenry.<sup>135</sup> Second, previous implementations of the Monitor have demonstrated that there are countries that have established rules covering both dimensions of transparency. The dichotomy is therefore meant to reflect this regulatory reality; in cases where citizens are deprived of access to information about media ownership, risks to media pluralism are expected to be higher than in cases where relevant rules have been enacted and are effectively implemented.

The indicator on Concentration of crossmedia ownership was enhanced with a sub-indicator that seeks to assess how safeguards to ensure proportionality of Public Service Media (PSM) funding, contribute to enhancing media pluralism.

Figure 2.4.2. The list of indicators of the Market Plurality area - comparative overview of the MPM2015 and the MPM2016

MPM2015	MPM2016	NOTE
Transparency of media ownership	Transparency of media ownership	<i>now distinguishes between transparency vis-à-vis the public and vis-à-vis the public authorities</i>
Concentration of media ownership	Media ownership concentration (horizontal)	<i>reorganized</i>
Concentration of crossmedia ownership	Cross-media concentration of ownership and competition enforcement	<i>reorganized. PSM proportionality test added</i>
	Commercial & owner influence over editorial content	<i>new</i>
	Media viability	<i>new</i>

133 See: [http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/IPDC/ipdc59\\_Media\\_viability\\_indicators.pdf](http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/IPDC/ipdc59_Media_viability_indicators.pdf)

134 See Council of Europe. *Recommendation No. R (94) 13 of the Committee of Ministers to Member States on Measures to Promote Media Transparency*. Retrieved from: <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=534799&SecMode=1&DocId=515710&Usage=2>

135 Ibid.

## POLITICAL INDEPENDENCE AREA

The Political Independence area, although restructured to a certain extent, remains focused on assessing the risks for media pluralism that are associated with the politicisation of the media system, media companies, newsrooms and public service media.

Three indicators from the MPM2015: Politicisation of control over media outlets, Politicisation of control over media distribution networks and Independence of news agencies have been merged into one indicator of the MPM2016: Political control over media outlets. There are at least two reasons for this: first, the overall composition of the area is now more balanced; second, the observations during the pilot implementations have indicated that additional focus on general prevention of conflict of interests is needed as well as the conceptualization of control as being broader than just formal ownership. For the purpose of this specific indicator, control includes both direct ownership and indirect control. Indirect control implies that parties, partisan groups or politicians are not directly involved in the ownership structure but they exercise their power through intermediaries (e.g. family members). The conflict of interests is defined as an incompatibility of government office with media ownership (Djankov et al., 2003).

Two indicators in the area of Political Independence for MPM2016 have introduced new dimensions of risks to complement existing variables of the Monitor. Editorial autonomy is a new indicator, designed to assess level of editorial independence and resistance to undue influences. The indicator is composed of two sub-indicators: one focusing on the existence and effectiveness of self-regulation to guarantee freedom from political interference in editorial decisions and content, which was already part of the MPM's structure but was lacking a specific focus; and a second one, focusing on Editor-in-chief, which is a novelty of MPM2016 and which gives a special emphasis to a publication's editorial leader, responsible for editorial policies and operations, and hence the first line of defence against political interference with editorial autonomy.

State advertising showed to be a problematic area of interplay between the state and media in many European countries. This evidence, stemming from the MPM pilot implementations, prompted us to expand the scope of measurement of potential risks related with the distribution of state managed resources to media. For this reason, the indicator on State regulation of resources and support to media sector has been created and, along with State advertising, encompasses also Spectrum allocation and Government subsidies, both direct and indirect. Spectrum allocation and Government subsidies are, therefore, a novelty of the MPM2016. They were introduced to capture emerging risks related with, on the one hand, technological advancements which may make media more dependent on state's allocation of finite natural resource such as spectrum, and, on the other hand, with the crisis of media business models related to digital disruption and economic crisis, which may make media more dependent on state support.

Figure 2.4.3. The list of indicators of the Political Independence area - MPM2015 and MPM2016

MPM2015	MPM2016	NOTE
Politicisation of control over media outlets	Political control over media outlets	<i>Three indicators from MPM2015 merged in one indicator of the MPM2016; added additional focus on Conflict of interests</i>
Independence of news agencies		
Politicisation of control over media distribution networks		
	Editorial autonomy	<i>new indicator, introducing a new focus on Editor-in-chief</i>
Political bias in the media	Media and democratic electoral process	<i>reorganized</i>
State advertising	State regulation of resources and support to media sector	<i>amended with sub-indicators on Spectrum allocation and Government subsidies</i>
Independence of PSM governance and funding	Independence of PSM governance and funding	<i>amended with additional focus on Director General</i>

## SOCIAL INCLUSIVENESS AREA

Social Inclusiveness became a new area in 2015 by merging the previous indicators on cultural, geographical and type/genre issues. Based on the 2015-pilot of the area, several changes have been introduced both in terms of the structure of the area and in terms of indicators and their content. Table 2.4.4 below gives an overview of the changes made by comparing the MPM2015 and MPM2016 indicators. In MPM2016, the ‘Social Inclusiveness’ area examines access to media by various social and cultural groups, and with media literacy, which is a precondition for an effective and informed media use. One of the more significant and visible changes that have been made in the MPM2016 is the development of a whole new indicator on Access to media for women. It was deemed important to cover this aspect of inclusiveness since gender equality is a fundamental right that is interrelated with media freedom, while gender gaps are still a reality in the media sector.

The MPM2015 indicator on “Access to media of different social and cultural groups, and local communities” has been disaggregated into two new MPM2016 indicators (Access to media for minorities and Access to media for local/regional communities and for community media) in order to better differentiate between the inclusion of different groups. Moreover, many of the related variables have been rephrased and some of the definitions have changed (e.g. the definition of minorities).

This MPM2015 indicator “Availability of media platforms for community media” has mainly become a sub indicator (“Access to media for community media”) in MPM2016 indicator “Access to media for local/regional communities and for community media”. However, some of its variables concerning minorities have also been incorporated into the indicator “Access to media for minorities”.<sup>136</sup>

The MPM2015 indicator “Access to media for the physically challenged people” has been renamed (now “Access to media for people with disabilities”) and amplified from two to five variables e.g. to cover also legal safeguards, including those for on-demand audiovisual media; and support services for people with visual impairments.

This MPM2015 indicator “Centralisation of the media system” has mainly become a sub indicator (“Access to media for local/regional communities”) in the MPM2016 indicator “Access to media for local/regional communities and for community media”.

The MPM2015 indicator “Universal coverage of the PSM and the Internet” has been moved to the Basic area (see “Universal reach of traditional media and access to the Internet”).

The indicator “Media literacy” has been extended from three to six variables, to capture e.g. also whether media literacy is present in formal or non-formal education, and the extent of ongoing media literacy activities.

Table 2.4.4. List of indicators of the Social Inclusiveness area - MPM2015 and MPM2016

MPM2015	MPM2016	NOTES ON CHANGES
Availability of media platforms for community media	Access to media for minorities Access to media for local/regional communities and for community media	<i>This MPM2015 indicator has mainly become a sub indicator (“Access to media for community media”) in MPM2016 indicator 12.</i>
Access to media for the physically challenged people	Access to media for people with disabilities	<i>This indicator has been renamed and amplified from two to five variables..</i>
Centralisation of the media system	Access to media for local/regional communities and for community media	<i>This MPM2015 indicator has mainly become a sub indicator (“Access to media for local/regional communities”) in MPM2016 indicator 12.</i>
Universal coverage of the PSM and the Internet	Universal reach of traditional media and access to the Internet	<i>This indicator has been moved to the Basic area.</i>
Media literacy	Media literacy	<i>This indicator has been extended from three to six variables.</i>
	Access to media for women	<i>New indicator</i>

<sup>136</sup> E.g. see variable “What is the ratio of TV channels dedicated to minorities to total number of TV channels?”

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## ANNEXE I. MINORITY DEFINITION USED BY THE MPM2016

The CMPF minority definition is in line with the definition given by the Special Rapporteur of the United Nations Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, which is summarised below (UN 1979).<sup>137</sup> “Minority” is a cultural or social group:

- numerically inferior to the rest of the population of a state,
- minority groups should be smaller than the majority group in the respective country;
- in a non-dominant position,<sup>138</sup>
- whose members possess ethnic, religious or linguistic characteristics differing from those of the rest of the population.

In the framework of the MPM, minority groups should cover the following criteria:

- be characterised by distinctive religion, language, traditions and cultural heritage;
- seek to protect, maintain and express their distinctiveness (e.g. establishment or attempts to establish their own institutions, to use their language).

In line with definition of the European Union Agency for Fundamental Rights (FRA), minority groups considered by the Monitor can fall in any of the following categories (FRA 2011):

- Historical national minority groups with territorial/governmental autonomy (e.g. Irish, Scottish or Welsh in the UK);
- Historical minority groups without territorial/governmental autonomy, and who have been present in the Member State for more than a century (e.g. Roma, Sinti, Travellers);
- Minority ethnic populations (immigrants who have been in the Member State for more than two decades);
- Immigrants (people who entered the Member State within the last two decades with the intention of remaining there);
- Religious minorities;
- Diaspora groups (people that are attached to the country because of their nationality or ethnicity, but who live abroad).

137 The following definition given by the Special Rapporteur of the United Nations Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, Francesco Capotorti is often adopted by UN organisations: “a cultural or social group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members - being nationals of the State - possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.” (UN 1979).

138 The “non dominant” refers to the size, as well as to social, cultural and economic domination: “(...) the requirement to be in a non-dominant position remains important. In most instances a minority group will be a numerical minority, but in others a numerical majority may also find itself in a minority-like or non-dominant position, such as Blacks under the apartheid regime in South Africa. In some situations, a group which constitutes a majority in a State as a whole may be in a non-dominant position within a particular region of the State in question.” Office of the United Nations High Commissioner for Human Rights (OHCHR) <http://www.ohchr.org/EN/Issues/Minorities/Pages/internationallaw.aspx>



## ANNEXE II. CONCLUSIONS FROM THE WORKSHOP WITH MEDIA LITERACY EXPERTS IN FLORENCE

How should we measure risks to Media Literacy in Europe?

Organiser: Centre for Media Pluralism and Media Freedom (CMPF)

Coordinator and contact person: Alina Ostling ([alina.ostling@eui.eu](mailto:alina.ostling@eui.eu))

Place: European University Institute, Florence

Date: 3 November 2016

### PARTICIPANTS

Name	Affiliation
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Sara Gabai	Lecturer, Open university, Thailand, and Program Director, Digital International Media Literacy eBook Project (DIMLE)
Beata Klimkiewicz	Associate Professor, Institute of Journalism, Media and Social Communication, Jagiellonian University, Kraków, Poland
Alison Preston	Head of the Media Literacy Research at Ofcom (UK)
Alina Ostling	Researcher coordinating the Social Inclusiveness area and implementation of the media literacy indicator in the framework of the Media Pluralism Monitor (CMPF)
Iva Nenadic	Researcher coordinating the Political Independence area in the framework of the Media Pluralism Monitor (CMPF)

### AIM

Centre for Media Pluralism and Media Freedom (CMPF) gathered a number of international media literacy experts in Florence in order to:

- Discuss pressing media literacy issues in Europe.
- Gather participants' feedback about how to improve the measurement of media literacy, in particular in the framework of the Media Pluralism Monitor.

### FINDINGS

The experts agree that the current indicator on media literacy in the Media Pluralism Monitor is coherent and that it constitutes a good baseline for understanding the risks to media literacy in Europe. However, a key limit for the Monitor assessment is the lack of access to comparable data and statistics on media literacy. The main gap is the lack

of data on the capacity of individuals to analyse, interpret and produce media messages (on- and offline). To assess these individual capacities, the Monitor would need to seek additional funding to design and carry out an EU-wide survey of individuals. The participants also emphasised the need to create a pool of reputable national experts that the Monitor can rely on for assessing risks to media literacy in EU Member States. One of the participants, Paolo Celot, suggested that EAVI (European Association for Viewers' Interests) can help with suggesting national experts. The participants also briefly discussed policy recommendations on media literacy (see the last section of this note).

The participants provided concrete recommendations on two media literacy topics during the workshop: media literacy environment and individual media literacy competencies (summarised below):

## ENVIRONMENTAL FACTORS

The Monitor should:

- Add variables that cover the following questions: Do regulatory authorities provide data on media to the public (e.g. about media law, about ownership of media organisations, where these organisations pay taxes, if they are public/private/religious? Are these information easily accessible or not?
- The Monitor should include data on media consumption, e.g. behavior of people on different media, mobile consumption (telecoms), number of mobiles sold (Eurostat).
- Add follow-up variables asking if the media literacy policy is implemented and monitored/evaluated (there is already a variable covering media literacy policy).
- Ask country experts about the level of critical understanding of media in the country, e.g. during stakeholder meetings. Experts could draw on national surveys. This would put emphasis on the importance of critical skills for media literacy.
- Consider a separate variable on teacher's training or as a criteria in the present variable covering media literacy activities.
- During the data analysis, test the correlation between levels of education and levels of media literacy among individuals.

## INDIVIDUAL COMPETENCIES

The Monitor should:

- Measure how the media is used and how people interact with the media through surveys of users across Europe.
- Investigate how big data can be used, e.g. Twitter profiles and online behavior, ask for data. Get in touch with new stakeholders and experts.
- Cover the diversity of sources: e.g. to what extent users consider different types of sources, what are the preferred news sources, if people seek sources they disagree with, what strategy they use to select news content. Awareness of sources, especially in social media, where these are less visible (Are you aware you are on youtube? What sources are the news coming from?)
- Cover critical understanding of media messages: editorials vs. advertorials.
- Consider how people access media. The online consumption is growing and this is creating digital divides and exclusion, e.g. among older and younger groups (demographic divide).
- Put a particular emphasis on the digital inclusion, e.g. how people use social media (e.g. Facebook news).
- Consider privacy and safety of media consumption.

## PRESSING ISSUES AND POLICY ADVICE ON MEDIA LITERACY

At the national level:

- Regulatory bodies in the field of audiovisual services should collect and make accessible to the public data on issues such as media ownership, the nature of media outlets (if they are public/private/religious), and about media law.
- In education, more investment should be done in the quality of teachers' training in the field of media literacy.

At the European Union (EU) level:

- The new Audiovisual Media Services Directive (AVMSD) should include a reference to media literacy and the EU should put more responsibility on Member States to promote media literacy in their countries.

## ANNEX III. NOTES ON THE FEASIBILITY OF THE MEDIA PLURALISM MONITOR

Within the scope of MPM2016 project, the CMPF also carried out the study on sustainability of the MPM focusing on the feasibility of regular implementation, its form, and potential funders. The study is based on a questionnaire developed by the CMPF team and addressed to the selected list of individuals who are, to a different extent, familiar with the Media Pluralism Monitor tool (local collaborators, members of the Group of Experts, Summer School participants from 2014-2016, academics, and other stakeholders interested in issues of media pluralism). The dissemination of the survey and the collection of responses was conducted through the open online tool SurveyGizmo. The total number of respondents was 77 and the results suggest that the monitoring of media pluralism with the MPM tool should be implemented annually (42,7%) or every two years (36%). The majority of respondents (66,2%) said that the most adequate source of funding in terms of sustainability and feasibility is the European Union. The European Union and the Council of Europe are seen as the funders that could ensure independence of this sensitive and valuable research.

## ANNEX IV MPM2016 USER GUIDE

[Link to the MPM2016 user guide](#)

<http://cmpf.eui.eu/media-pluralism-monitor/>

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